

**POLLUTANT DISCHARGE ELIMINATION SYSTEM**

(1) The permittee has been notified by the Department prior to submitting a renewal application pursuant to N.J.A.C. 7:14A-2.7 that the permit qualifies for expedited permit renewal under N.J.A.C. 7:14A-16.3(h), and elects to participate; or

(2) The permittee has a stormwater only permit and is approved by the Department for expedited permit renewal.

4. (Reserved)

5. Any existing facility or activity which is required to obtain an individual NJPDES-SIU permit pursuant to N.J.A.C. 7:14A-2.4(b)2 and does not have an individual NJPDES-SIU permit shall apply within 180 days of the effective date of this chapter, or of a determination of the Department, that the discharge requires an individual NJPDES-SIU permit.

6. All existing facilities or activities which require an individual NJPDES-SIU permit due to promulgation of new Categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR Chapter I, Subpart N, will be notified of the application date by the Department following submittal of the Baseline Report, as required pursuant to 40 CFR 403.12(b). See also N.J.A.C. 7:14A-21.3(b).

(f) The Department shall not issue a draft permit for an individual NJPDES permit before receiving a complete permit application, in accordance with N.J.A.C. 7:14A-15.4.

Administrative correction.  
See: 29 N.J.R. 3822(a).  
Amended N.J.A.C. references.

**7:14A-4.3 Application information requirements**

(a) All applicants for an individual NJPDES permit shall provide the following information to the Department using the application form(s) provided by the Department (except as specified in N.J.A.C. 7:14A-11.5 for stormwater discharges):

1. The activities conducted by the applicant which require it to obtain a NJPDES permit including a brief description of the nature of the business, project, facility, or activity;

2. The name, mailing address, and location of the facility for which the application is submitted;

3. Up to four SIC codes which best reflect the principal products or services provided by the facility;

4. The expiration date of the existing permit or proposed start up date for a new source or for a new discharge or activity;

5. Identification of the general type of waste discharged, or expected to be discharged upon commencement of operations, including sanitary wastes, or non-contact cooling water. This information shall include any cooling water additives that are used or expected to be used upon commencement of operations, along with their composition;

6. Identification of facility ownership, and status as Federal, State, private, public or other entity, the name, address, and telephone number of all:

- i. Operating entities of the treatment works;
- ii. Owners of the land or property; and
- iii. Licensed operators of the treatment works;

7. The name, address, and telephone number of any DTW being utilized (if applicable);

8. The name of the applicant's parent corporation;

9. A listing of all permits or construction approvals received or applied for by the applicant or its parent corporation at the site under any of the following programs:

i. Hazardous Waste Management program under RCRA;

ii. NJPDES permits or Treatment Works Approvals under the State or Federal Acts;

iii. UIC program under N.J.A.C. 7:14A-8;

iv. Prevention of Significant Deterioration (PSD) program under the Clean Air Act;

v. Nonattainment program under the Clean Air Act;

vi. National Emission Standards for Hazardous Pollutants (NESHAPS) preconstruction approval under the Clean Air Act;

vii. Ocean dumping permits under the Marine Protection Research and Sanctuaries Act;

viii. Dredge or fill permits under Section 404 of the Federal Act; and

ix. Other relevant environmental permits, including Federal and State permits, such as stream encroachment or wetlands permits;

10. Identification of administrative orders, administrative consent orders, judicial consent orders, notices of violations, complaints filed, or other corrective or enforcement action(s) required by any governmental agency(ies) with regard to the operation of the applicant at that site concerning water pollution within the previous five years;

11. If the applicant is subject to any present requirements or compliance schedules for construction, upgrading or operation of waste treatment equipment, connection to a DTW, an identification of the abatement requirement, a description of the abatement project, and a listing of the required and projected final compliance dates;

12. Evidence that a WQMP Amendment approval, or favorable consistency determination in accordance with N.J.A.C. 7:15-3.4, has been applied for and received, or, if not applied for and received, reasons why not. Renewals or modifications of existing permitted activities that do not propose significant modification, as determined by the Department, do not require a formal consistency determination review, but shall still not conflict with WQM plans;

13. Evidence of application submission to the local agency or sewerage entity and municipality as follows. Except for discharges of stormwater from separate storm sewers, all applicants for an individual NJPDES permit proposing a new discharge or activity, increase in permitted flow with or without an associated increase in loading for an existing discharge, or change in the location or method of discharge shall, prior to the submission of an application to the Department, submit a copy of the application to the affected local agency or sewerage entity and municipality along with a written notice (certified mail return receipt requested or by other means which allow verification of the fact and date of receipt) that the local agency or sewerage entity and municipality must submit to the Department written comments regarding or objections to the proposed discharge or activity within 30 days of receipt of said notice. Any written comments regarding or objections to the proposed discharge or activity submitted to the Department by an affected local agency, or sewerage entity, or municipality shall be considered by the Department in determining whether to issue a draft permit in accordance with N.J.A.C. 7:14A-15.6. The applicant may file a permit application, provided that copies of the signed and dated notices to the respective local agency or sewerage entity and municipality, and dated certified mail return receipts or other verification of delivery receipt are submitted with the application. Under this circumstance, the Department would consider an application administratively complete, provided all other application requirements have been submitted;

14. Signature of certifying official as required in N.J.A.C. 7:14A-4.9;

15. A topographic map (U.S. Geological Survey Topographic Map, 7.5 minute Quadrangle Series) extending one mile beyond the property boundaries of the source, depicting the facility and each of its intake and discharge structures; each of its residual treatment, storage, or disposal facilities; each well where fluids from the facility are injected underground; and those wells, springs, other surface water bodies and drinking water wells listed in public records or otherwise known to the applicant in the map area;

16. The latitude and longitude to the nearest second of the location of each discharge or activity and the name of the receiving waters or formations, including the USEPA reach number for NJPDES-DSW permit applications. This information shall be submitted in a manner or format consistent with N.J.A.C. 7:1, Appendix A, incorporated herein by reference. Where the information has previously been submitted in a GIS compatible format or has been entered into the GIS database, a duplicate submittal in GIS compatible format is not required. Sludge-only facilities do not need to provide the name(s) of the receiving waters or formations;

17. A line drawing of the water flow through the facility with a water balance, showing operations contributing wastewater to the effluent and treatment units. Similar processes, operations, or production areas may be indicated as a single unit, labeled to correspond to the more detailed identification under (a)5 above. The water balance shall show approximate average flows at the intake and discharge points and between units, including treatment units. If a water balance cannot be determined, the applicant may provide a pictorial description instead, which indicates the nature and amount of any sources of water and any collection and/or treatment measures;

18. A description of the treatment the wastewater receives or will receive, including the means for ultimate disposal of any solid or fluid wastes other than by discharge. Each applicant for a new individual NJPDES permit must report the existence of any technical evaluation concerning their wastewater treatment, along with the name and location of similar plants of which they have knowledge;

19. A listing of any toxic pollutant specified in Appendix A, incorporated by reference herein, which the applicant currently uses or manufactures as an intermediate or final product or byproduct. The Department will waive or modify this requirement if an applicant demonstrates that it would be unduly burdensome to identify each toxic pollutant and the Department has adequate information to issue the permit;

20. For NJPDES-DSW permit applications, an identification of any biological toxicity tests, which the applicant knows or has reason to believe have been made within the last three years on any of the applicant's discharges or activities or on a receiving water in relation to a discharge or activity. The biological toxicity tests shall have been conducted in accordance with the laboratory certification regulations for biological testing, N.J.A.C. 7:18. The applicant shall include copies of the laboratory reports for such biological toxicity tests, if the test results were not previously submitted to the Department;

21. Average flows for the facility or proposed facility. For all facilities or proposed facilities, a narrative identification of each type of process, operation, or production area which contributes wastewater to the effluent for each outfall, including process wastewater, cooling water, and stormwater runoff; the average flow which each process contributes. Processes, operations or production area(s) may be described in general terms (for example, "dye-making reactor," distillation tower"). For DTWs, this identification shall include the identity of each user of the treatment works, as specified in Section 402(b)8 of the Federal Act. The average flow of sources composed of stormwater may be estimated. The method of estimation and the basis for the total estimated rainfall must be described. If the discharge is partly due to stormwater, for each outfall, the application must either quantify the contributing drainage area and the runoff coefficient(s) applicable, or provide the other data used to estimate the average flow of stormwater. In addition:

- i. For DTWs, design flow of the facility or proposed facility shall be reported;
- ii. All DGWs shall report the peak daily flow in addition to the average flow; and
- iii. If any of the discharges described above are intermittent or seasonal, a description of the frequency, duration, and flow rate of each discharge occurrence (except for stormwater runoff, and accidental spillage or leaks);

22. To the extent practicable, the location of all sites at which solid or liquid waste is stored at the facility for which the NJPDES application is being made and the ultimate disposal sites of solid or liquid waste generated by any facility with a discharge;

23. Information in compliance with the Sludge Quality Assurance Regulations, N.J.A.C. 7:14-4;

24. A description of the applicant's residual use and disposal practices including, where applicable:

- i. The location of all sites at which residual is stored at the facility for which the NJPDES application is being made and the name and location of the residual use and disposal practices for residual generated by the facility;
- ii. The location of any sites where the applicant transfers or plans to transfer residuals for treatment and/or disposal;
- iii. Annual residuals production volume (dry metric tons per year);
- iv. A written statement from the applicant indicating whether a residual use or disposal practice is consistent with an approved District Sludge Management Plan or

District Solid Waste Management Plan, as applicable; and

- v. Any additional information required to be submitted by a treatment works treating domestic sewage or a sludge-only facility in accordance with 40 CFR 122.21, as amended or supplemented;

25. All DTWs with an approved industrial pretreatment program shall complete a written technical evaluation of the need to revise local limits developed under 40 CFR 403.5(c)(1). This technical evaluation shall meet the criteria specified in N.J.A.C. 7:14A-19.7(e); and

26. Any other optional information the permittee wishes to have considered.

(b) A person whose facility is the cause of, or whose activity results in, more than one discharge at a single site, shall separately describe each discharge or activity in the application.

(c) An applicant which qualifies as a small business under one of the following criteria is exempt from the requirements set forth in N.J.A.C. 7:14A-4.4(b)4 and 5 to submit quantitative data for the pollutants listed in Table II of Appendix A (the organic toxic pollutants), incorporated herein by reference:

- 1. For coal mines, a probable total annual production of less than 100,000 tons per year; or
- 2. For all other applicants, gross total annual sales averaging less than \$100,000 per year (in second quarter 1980 dollars).

(d) If a certified laboratory or consulting firm performed an analysis required by N.J.A.C. 7:14A-4.4, the applicant shall provide the identity of each certified laboratory or firm and the analysis performed.

(e) In addition to the information reported on the application form, applicants shall provide to the Department, upon request, such other information as the Department may reasonably require, or that the applicant wishes to have considered, to assess the activity or discharge(s) of the facility and to determine whether to issue an NJPDES permit in accordance with this chapter. This additional information may include additional quantitative data and bioassays to assess the relative toxicity of the discharge(s) to aquatic life, requirements to determine the cause of any toxicity, or other such information concerning existing or proposed pollution control programs, such as the technical application requirements listed in N.J.A.C. 7:14A-4.5 through 4.8. In accordance with N.J.A.C. 7:14A-15.4, a technically incomplete application may be inactivated (and the issuance of the draft permit therefore delayed) until the information requested under this subsection is supplied to the Department.

Administrative correction.

See: 29 N.J.R. 3822(a).

In (a)13, inserted "or other verification of delivery receipt".

#### 7:14A-4.4 Additional application requirements for discharges to surface water

(a) An applicant for an individual NJPDES permit for a process wastewater discharge is required to provide with the application a reasonable estimate or measure of the applicant's actual maximum and average actual production. For new sources or new discharges or activities, the applicant shall provide estimates expressed in terms of production (or other measure of operation). The reported estimate or measure of production must reflect the actual production of the facility as required in N.J.A.C. 7:14A-13.13(a)1ii. If production is likely to vary, alternative estimates may be submitted in consultation with the Department. Production estimates shall be made in accordance with the following (except as specified in N.J.A.C. 7:14A-11.5 for stormwater discharges):

1. An effluent guideline promulgated under Section 304 of the Federal Act, reported in the units used in the applicable effluent guideline;
2. A new source performance standard promulgated under Section 306 of the Federal Act, reported in the units used in the applicable new source performance standard; or
3. A toxic and pretreatment standard promulgated under Section 307 of the Federal Act reported in the units used in the standard.

(b) All applicants for an individual NJPDES permit shall provide as part of their application, information on the discharge of pollutants in accordance with this subsection (except information on stormwater discharges, which is to be provided as specified in N.J.A.C. 7:14A-11.5).

1. Where the Department has determined two or more outfalls to have substantially identical effluents, the Department will allow the applicant to report that the quantitative data from testing one outfall also applies to the other substantially identical outfall or outfalls.
2. When quantitative data for a pollutant are required, the applicant shall collect a sample of effluent and analyze it for the pollutant in accordance with analytical methods approved under 40 C.F.R. Part 136 or N.J.A.C. 7:18.
  - i. When no approved analytical method is available, the applicant may propose to use a suitable method. The applicant shall provide a description of the proposed methodology to the Department for approval for the specific pollutant prior to initiation of sampling;

- ii. Grab samples shall be used for pH, temperature, cyanide, total phenols, residual chlorine, chlorine produced oxidants, oil and grease, petroleum hydrocarbons, all volatile organics, bacterial indicators, and flash point. For all other pollutants, 24-hour composite samples must be used. However, a minimum of one grab sample may be taken for effluents from holding ponds or other impoundments with a retention period greater than 24 hours. The Department will waive composite sampling for any outfall for which the applicant demonstrates that the use of an automatic sampler is infeasible and that a specific minimum number of samples will be a representative sample of the effluent being discharged; and

- iii. Where no certification program in accordance with N.J.A.C. 7:18 is available for a specific parameter, the permittee shall utilize a laboratory certified for a similar parameter or analytical procedure.

3. An effluent characterization shall be submitted as follows:

- i. Every applicant for an individual NJPDES permit shall report quantitative data that contains daily maximum and monthly average values, for every outfall, for the following pollutants:

- (1) Biochemical oxygen demand (BOD<sub>5</sub>);
- (2) Chemical oxygen demand ;
- (3) Total organic carbon;
- (4) Total suspended solids;
- (5) Ammonia (as N);
- (6) Temperature (both winter and summer); and
- (7) pH.

- ii. Every applicant for an individual NJPDES permit shall collect and submit the quantitative data for the analyses listed in (b)3ii(1) and (2) below for every outfall, unless the Department determines that the submission is not necessary to evaluate the effluent characteristics.

- (1) Results from a minimum of at least once acute and one chronic whole effluent toxicity test performed on the same sample; and
- (2) Results from a minimum of at least one analysis of the toxic pollutants listed in Appendix A Table II, except for applicants with processes in one or more primary industrial category that are required to obtain quantitative data under (b) below.

- iii. The Department will waive the reporting requirements for discharges of a particular industrial category for one or more of the pollutants in (i) above if the applicant demonstrates that such a waiver is appropriate because adequate information to support issuance of a permit can be obtained with less stringent or different requirements.

iv. The quantitative data, regardless of when collected, shall remain representative of current operations and include maximum daily value, average daily value, and the number of measurements taken.

v. For new sources or new discharges, when the applicant is unable to provide sampling data, the appli-

cant must include estimates for the new sources or new discharges of pollutants or parameters listed in (b)3i above with the addition of fecal coliform (if believed present or if sanitary waste is or will be discharged), chlorine produced oxidants (if chlorine is used in the treatment process), oil and grease, and flow, along with the source of each estimate.



1. Any permittee shall automatically adjust its effluent monitoring and reporting frequency to monthly when the permittee:

i. Reports effluent values that would make the permittee a serious violator for one or more parameters for which the permittee is required to report less frequently than monthly. Monthly reporting is only required for parameters with serious violations. (However, NJPDES-SIU permittees shall resample within 30 days of becoming aware of any violation if required by 40 C.F.R. Part 403); or

ii. Fails to submit a completed Discharge Monitoring Report (DMR).

2. The monthly reporting required by (d)1 above shall begin the first month after the submission of the DMR or the month in which the permittee was required to submit the completed DMR or the Baseline Report (BR) to the Department which results in the permittee becoming a serious violator. If the Department grants an affirmative defense pursuant to N.J.A.C. 7:14-8.3(i) for an effluent violation, the violation shall not be considered a serious violation and shall not be subject to monthly reporting under (d)1 above.

3. Any permittee required to adjust its monitoring and reporting pursuant to (d)1 above shall continue this monthly schedule until the permittee has submitted six consecutive monthly Discharge Monitoring Reports which show compliance with the particular serious violation parameter at the particular discharge point, at which time the permittee may resume the original schedule in its permit.

**7:14A-6.6 Recordkeeping**

(a) A person shall retain records of all monitoring information including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by a NJPDES permit, records of all data used to complete the application for a NJPDES permit, and records of monitoring information required by the permit related to the permittee's residual use and/or disposal practices for a period of at least five years, or longer as required by N.J.A.C. 7:14A-20, from the date of the sample, measurement, report, application, or record. The Department may at any time, extend this period through a written notice, and require that a person retain all records listed above for a period longer than five years for, at a minimum, any of the following reasons:

1. Enforcement action;
2. Litigation; and
3. Water quality studies.

(b) Records of monitoring information shall include:

1. The date, exact place, and time of sampling or measurements;
2. The individual(s) who performed the sampling or measurements;
3. The date(s) analyses were performed;
4. The individual(s) who performed the analyses;
5. The analytical techniques or methods used; and
6. The results of such analyses.

**7:14A-6.7 Notice requirements for facility alterations and additions**

(a) All permittees shall give written notice to the Department of any planned physical alterations or additions to the permitted facility which meet the criteria in (b) below, or as soon as possible.

(b) Notice is required only when:

1. The alteration or addition to a permitted facility meets one of the criteria for determining whether a facility is a new source as defined in N.J.A.C. 7:14A-1.2;
2. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged;
3. The alteration or addition is expected to result in a significant change in the permittee's residual use or disposal practices, and such alterations, additions, or changes may justify the application of permit conditions that are different from or absent in the existing permit. This includes notification of additional use or disposal sites not reported during the permit application process; or
4. The planned alterations or changes in the permitted facility or activity may result in noncompliance with permit requirements.

(c) Fulfillment of these notice requirements does not relieve the applicant of the responsibility to obtain any applicable approvals or permits.

Administrative correction.  
See: 29 N.J.R. 3822(a).

**7:14A-6.8 Reporting monitoring results**

(a) The permittee shall report monitoring results on the Discharge Monitoring Reports (DMR) and/or the Baseline Reports (BR) or other monitoring report forms required by the permit or the Department at the intervals specified in the permit.

(b) All permittees with effluent limits expressed as daily maxima or minima without a monthly average for a particular parameter shall report, in addition to all other applicable reporting requirements, the average value obtained during the reporting month. However, for pH and WET, the reporting requirements of the permit shall govern.

(c) Any permittee required to adjust its effluent monitoring to monthly under N.J.A.C. 7:14A-6.5(d) shall also automatically adjust its reporting frequency to monthly.

(d) Upon written notice from the Department, monitoring results may be submitted to the Department electronically, provided the data is submitted in accordance with the standards for information exchange detailed in the Department's Manual for Information Management, "Guidance Document for Electronic Reporting of Environmental Data," August 1995 (see data dictionary and file format), as may be amended and supplemented. However, the permittee shall continue to submit signed transmittal forms.

(e) All monitoring requirements of the permit are minimum requirements. However, if a permittee monitors any pollutant more frequently than required by the permit in accordance with the permit requirements for sample type, location, and analysis and using test procedures approved under 40 C.F.R. 136 or, in the case of residual use or disposal, approved under 40 C.F.R. 136, unless otherwise specified in 40 C.F.R. 503 or as specified in the permit, the results of this monitoring shall be included in the calculation and reported on the form specified by the Department.

(f) Calculations for all limitations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified in the permit by the Department.

(g) When subject to limitations based on a measure of production, the permittee shall submit with the report the level of production that actually occurred during the reporting month and the limitations, standards, or prohibitions applicable to that level of production.

(h) The permittee shall report all instances of noncompliance not reported under N.J.A.C. 7:14A-6.10 at the time DMRs are submitted. The reports shall contain the information required in the written submission listed in N.J.A.C. 7:14A-6.10(e) if not already submitted to the Department.

(i) All SIUs, DSW major industrial facilities, DGWs, and DSW local agencies, other than those discharging only stormwater or non-contact cooling water, required to submit DMRs to the Department shall submit the required reporting forms to the Department on a monthly basis when sampling is required on a monthly basis for one or more parameters. Reporting is required on a monthly basis for all those parameters that are required to be monitored during that particular month.

#### 7:14A-6.9 Signatory requirements for DMR and BR

(a) All DMRs and the BRs shall be signed by the highest ranking official having day-to-day managerial and operational responsibilities for the discharging facility, whose responsibilities usually include authorizing capital expenditures and/or hiring personnel.

1. For private entities this will usually be a person identified in N.J.A.C. 7:14A-4.9(a)1; and

2. For public entities it will usually be a plant manager or plant operator, an executive director of a public authority, or a ranking elected official.

(b) The following certification shall be made by the above described official and shall accompany the report:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments, and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and/or imprisonment."

(c) The above described official may authorize another responsible high ranking official to sign the DMR in his or her absence. Authorizations for other individuals to sign in accordance with this subsection shall be made in accordance with N.J.A.C. 7:14A-4.9(b).

(d) The highest ranking official shall be liable in all instances for the accuracy of all of the information provided in the report. However, the highest ranking official may file within seven days of his or her return, amendments to the report to which he or she was not a signatory. The filing of amendments to a monitoring report in accordance with this subsection shall not be considered a late filing of a report for the purposes of N.J.A.C. 7:14A-6.8, or for the purposes of determining a significant noncomplier.

#### 7:14A-6.10 Noncompliance reporting

(a) All permittees shall report to the Department (and receiving DTW, if applicable) any noncompliance including, but not limited to:

1. Any exceedance of effluent limitation that:

i. Causes injury to persons;

ii. Poses a threat to human health;

iii. Causes damage to the environment;

iv. Poses a threat to the environment; or

v. Violates a daily maximum effluent limitation for a toxic pollutant listed in N.J.A.C. 7:14A-4 Appendix A;

2. Any discharge of any toxic or hazardous pollutant listed in N.J.A.C. 7:14A-4 Appendix A, which is not covered under a permit; or

3. Any upset or an unanticipated bypass not otherwise covered in (a)1 or 2 above.

(b) Any permittee discharging pollutants under the conditions identified in (a) above shall comply with the reporting requirements in this section. Any permittee with a discharge not otherwise covered in (a) above shall comply with the reporting requirements relating to that type of discharge as listed below.

(c) For the situations listed in (a)1i through iv and 2, above, the permittee shall communicate the information in (c)1 through 3 below by telephone to the DEP Hotline at (609) 292-7172 (and to the receiving DTW, if applicable)

within two hours of the commencement of the discharge or of the permittee's becoming aware of the discharge. Any revision to this information for situations listed in (a)1i through iv and 2 above shall be reported to the DEP Hotline within 24 hours after the permittee's becoming aware of the need to revise the information.

1. A description of the discharge, including the time of the discharge, the location of discharge, the volume of the discharge, the concentration of pollutants discharged, and the receiving water of the discharge;

2. Steps being taken to determine the cause of the permit noncompliance; and

3. Steps being taken to reduce, remediate, and eliminate the noncomplying discharge and any damage to the environment, and the anticipated time frame to initiate and complete the steps to be taken.

(d) For the situations listed in (a)1v and 3 above, the permittee shall communicate the following information by telephone to the DEP Hotline at (609) 292-7172 within 24 hours after the commencement of the discharge or of the permittee's becoming aware of the discharge:

1. A description of the discharge, including the time of the discharge, the location of discharge, the volume of the discharge, the concentration of pollutants discharged, and the receiving water of the discharge;

2. Steps being taken to determine the cause of the permit noncompliance;

3. Steps being taken to reduce, remediate, and eliminate the noncomplying discharge and any damage to the environment, and the anticipated time frame to initiate and complete the steps to be taken;

4. The duration of the discharge, including the dates and times of the commencement and, for an unanticipated bypass, the dates and times of the end or anticipated end of the discharge, and if the discharge has not been corrected, the anticipated time when the permittee will correct the situation and return the discharge to compliance;

5. The cause of the noncompliance;

6. Steps being taken to reduce, eliminate, and prevent reoccurrence of the noncomplying discharge;

7. An estimate of the threat to human health or the environment posed by the discharge; and

8. The measures the permittee has taken or is taking to remediate the problem and any damage or injury to human health or the environment, and to avoid a repetition of the problem.

(e) For the situations identified in (a) above, a written submission containing the information listed in (d) above shall be submitted to the Department, if the permittee had not previously submitted the information. The written submission shall be sent to the person identified in (g) below.

1. The permittee shall ensure that the written submission required pursuant to this subsection is submitted to the Department within five days of the commencement of the discharge or of the permittee becoming aware of the discharge.

2. If the permittee becomes aware that it has failed to submit any relevant facts or submitted incorrect information required in (c) or (d) above, the permittee shall

immediately submit such facts or information to the Department.

(f) For the situations identified in (a)3 above, the permittee shall ensure that the person identified in (g) below receives the information listed at (f)4 below as part of the written submission required pursuant to (e) above, if not previously submitted, as follows:

1. For an unanticipated bypass, the information listed at (f)4i through ii and iv through ix below.

2. For an upset, the information listed at (f)4i and iii through vi below as applicable, is submitted to the Department, within the five-day period.

3. If the permittee becomes aware that it has failed to submit any relevant facts or has submitted incorrect information pursuant to (d) above, the permittee shall immediately submit such facts or information to the Department.

4. The following information shall be submitted as required under this subsection:

i. All properly signed, contemporaneous operating logs, or other relevant evidence, on the circumstances of the noncompliance;

ii. For an unanticipated bypass, the reasons that the unanticipated bypass occurred, including the circumstances leading to the unanticipated bypass;

iii. For an upset, the reasons that the upset occurred, including the cause of the upset and the identity of the person causing the upset, as necessary, except that, in the case of a treatment works, the local agency may certify that despite a good faith effort it was unable to identify the cause of the upset or the person causing the upset;

iv. Evidence that the permittee was properly operating the facility at the time;

v. Evidence that the permittee submitted notice of the unanticipated bypass as required pursuant to (a)3 above, or, in the case of an upset resulting from the performance by the permittee of maintenance operations, the permittee provided prior notice and received prior written approval from the Department, including the name, title, address and telephone number of the individual who satisfied this requirement, the date and specific time the individual notified the Department for the permittee, the specific method that the individual used to notify the Department, and the name and title of the individual within the Department to whom the permittee gave such notice;

vi. Evidence that the permittee complied with all remedial measures the Department required;

vii. For an unanticipated bypass, the permittee's rationale for and all supporting documentation that the bypass was unavoidable to prevent loss of life, personal injury, or severe property damage, including the name,

title, address and telephone number of the individual that made the determination for the permittee, the data and information upon which that individual made the determination and any other information the Department requests;

viii. For an unanticipated bypass, evidence that there was no feasible alternative to the unanticipated bypass, including but not limited to the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of downtime; and

ix. For an unanticipated bypass, evidence that the unanticipated bypass did not occur during normal periods of equipment downtime or preventive maintenance when back-up equipment should have been installed to avoid the unanticipated bypass.

(g) The permittee shall submit all written notifications and/or reports required pursuant to this section to:

Assistant Director of Water and Hazardous Waste  
Enforcement  
Division of Enforcement Field Operations  
New Jersey Department of Environmental Protec-  
tion  
401 East State Street  
CN 422  
Trenton, New Jersey 08625

(h) For a serious violation, as defined in N.J.A.C. 7:14A-1.2, a person shall, within 30 days of the violation, submit a written report to the person listed in (g) above or the appropriate control authority. The report shall include the following:

1. All the information required in (d) above, if not already submitted; and
2. A written statement that:
  - i. Indicates the person understands the civil and administrative penalties required to be assessed for serious violations; and
  - ii. Explains the nature of the serious violation.

(i) The permittee shall report all instances of noncompliance not reported under this section at the time DMRs are regularly submitted. The reports shall contain the information required pursuant to (d) above.

#### 7:14A-6.11 Affirmative defenses

Permittees may request an affirmative defense for effluent violations resulting from an upset, bypass, or laboratory error in accordance with the procedures at N.J.A.C. 7:14-8.3(i).

#### 7:14A-6.12 Operation, maintenance, and emergency conditions

(a) A permittee shall, at all times, maintain in good working order and operate the treatment works and facilities which are installed or used by the permittee to achieve compliance with the terms and conditions of the discharge permit. Proper operation and maintenance, includes, at a minimum:

1. Effective performance based upon treatment levels for which the treatment works was designed;
2. Adequate funding;
3. Effective management;
4. Adequate operator staffing and training;
5. Regularly scheduled inspection and maintenance programs; and
6. Adequate laboratory and process controls including appropriate quality assurance procedures as described in 40 CFR Part 136 and applicable State laws and rules.

(b) Any permittee who operates a treatment works shall satisfy the licensing requirements of the "Water Supply and Wastewater Operators Licensing Act," N.J.S.A. 58:11-64 et seq., and promulgated pursuant thereto. This subsection requires the operation of back-up or auxiliary facilities or similar systems when necessary to achieve compliance with the conditions of the NJPDES permit or where required by applicable law or regulation.

(c) All permittees shall submit written verification to the Department that an operation and maintenance manual for the treatment works, including related appurtenances and collection system, has been or will be completed by the effective date or a compliance date included in a new or renewed NJPDES permit issued subsequent to May 5, 1997. A permittee does not need to submit the operation and maintenance manual to the Department, unless specifically directed to do so. When the Department directs a permittee to submit the operation and maintenance manual, the Department shall state the reasons for requiring the submittal in a letter requesting the submittal. In the case of a NJPDES permit for stormwater discharges or separate storm sewers which expressly exempts permittees from this provision, the exemption shall apply only to the discharge authorized by the permit. Any affected permittee shall comply with the following operation and maintenance manual requirements:

1. The operation and maintenance manual shall be made available for inspection upon request by an authorized representative of the Department.
2. The operation and maintenance manual shall be amended whenever there is a change in the treatment works design, construction, operations or maintenance which substantially changes the treatment works operations and maintenance procedures.

ii. The petitioner's interest in the petition (including any organizational affiliations and any economic interest);

iii. The name and address of the permittee whose authorization could be affected by the petition;

iv. The number of the permit under which that permittee is authorized; and

v. The reasons why the petition should be granted (including any citations to any relevant legal authority).

2. The petitioner shall serve the petition on both the Department and the permittees whose authorization could be affected by the petition.

3. The permittees whose authorization could be affected shall have 30 days from the date the petition was served to respond to the petition. Any response shall be served on both the Department and the petitioner. The Department thereafter may in its discretion seek further information relevant to the petition.

4. The Department shall determine whether to grant the petition based upon materials submitted in accordance with this subsection and based upon the criteria set forth in (e) above. The Department shall notify both the petitioner and the permittees whose authorization is affected by the petition of the Department's determination.

5. Either party may ask the Department to reconsider its decision regarding a petition by sending a letter to the Commissioner within 30 days of the issuance of the initial decision. The letter shall be sent to the Department's Office of Legal Affairs, at the address listed above, and both the envelope and the letter shall clearly indicate that it is a "REQUEST FOR RECONSIDERATION OF PETITION DETERMINATION." The Commissioner may act on the request within 60 days; if the Commissioner fails to take any action the request shall be deemed denied. It shall be considered final agency action where the ultimate outcome of the agency proceedings is that the petition is denied by the Commissioner.

(m) The following requirements apply to denial of requests for authorization:

1. The Department shall deny a request for authorization if it determines that the subject discharge is not eligible for the general permit for which the person has requested authorization.

2. The Department may deny a request for authorization if it determines that the discharge is not appropriately regulated under the relevant general permit because of:

i. Its location;

ii. The size of the discharge or activity;

iii. The quantity and nature of pollutants reaching the waters of the State;

iv. The quality of the receiving waters; or

v. Other relevant factors.

3. If the Department denies a request for authorization, it shall notify the person of that denial in writing. A person whose request for authorization has been denied may ask the Department to reconsider its decision by sending a letter to the Commissioner within 30 days of the issuance of the initial denial. The letter shall be sent to the Department's Office of Legal Affairs, at the address listed above, and both the envelope and the letter shall clearly indicate that it is a "REQUEST FOR RECONSIDERATION OF GENERAL PERMIT DETERMINATION." The Commissioner may act on the request within 60 days; if the Commissioner fails to take any action the request shall be deemed denied. In no event shall a denial of a request for authorization, or a request to reconsider that denial, be deemed final agency action.

(n) An authorization may be transferred to a new permittee in accordance with the requirements for an automatic transfer at N.J.A.C. 7:14A-16.2(d).

(o) With the consent of the permittee, the Department shall revoke an authorization to discharge under a general permit without following the procedures set forth in N.J.A.C. 7:14A-15.6, if the discharge has ceased.

#### 7:14A-6.14 Emergency permits

(a) Under the specified circumstances listed in (b) below, the Department may issue an emergency permit, except for a DSW, to allow the discharge of pollutants, where such discharge is unpermitted or the discharge consists of pollutants not covered by an effective permit.

(b) The Department may issue an emergency permit to allow the activities listed in (a) above only after making a finding that:

1. An imminent and substantial endangerment to human health or the environment will result unless an emergency permit is granted;

2. A substantial and irretrievable loss of oil or gas resources will occur unless an emergency permit is granted to a Class II well under UIC program; and

i. Timely application for a regular permit could not practicably have been made; and

ii. The injection will not result in the movement of fluids into underground sources of drinking water; or

3. A substantial delay in production of oil or gas resources will occur unless an emergency permit is granted to a new Class II well under the UIC program, and the authorization will not result in the movement of fluids into an underground source of drinking water.

(c) The requirements for issuance of any emergency permit are as follows:

1. The Department may issue an emergency permit by either oral or written permission from the Director. Oral permission shall be followed within five days by a written emergency permit.

2. The Department may issue an emergency permit for any duration not to exceed 180 days, except:

i. That underground injections temporarily permitted in order to prevent an imminent and substantial endangerment to the health of persons shall be for a term no longer than required to prevent the hazard, or 90 days, whichever is less.

ii. That land application of municipal or nonhazardous sludge temporarily permitted in order to prevent an imminent and substantial endangerment to public health shall be for a term no longer than that required to prevent the hazard, or 180 days, whichever is less.

iii. That storage of municipal or non-hazardous sludge temporarily permitted in order to prevent an imminent and substantial endangerment to public health shall be for a term no longer than that required to prevent the hazard, or one year, whichever is less.

3. The Department shall clearly specify in the emergency permit the following:

i. The wastes to be received and disposed of under the emergency permit;

ii. The manner and location of the treatment, storage, disposal, or injection of wastes;

iii. The rate, quantity, and quality of pollutants to be discharged; and

iv. The monitoring and applicable reporting requirements which is required.

4. The Department may immediately suspend or revoke the emergency permit at any time following a determination that such action is appropriate to protect human health and the environment.

5. The Department shall publish, along with the emergency permit, a public notice of the emergency permit pursuant to N.J.A.C. 7:14A-15.10, including:

i. The name and address of the office granting the emergency authorization;

ii. The name and location of the permitted facility;

iii. A brief description of the wastes involved;

iv. A brief description of the action authorized and reasons for authorizing it; and

v. The duration of the emergency permit.

6. The Department shall issue an emergency permit regarding injections only after a complete NJPDES permit application has been submitted. The emergency permit shall only be effective until final action is taken on the NJPDES permit application.

7. The Department shall condition the emergency permit regarding injection under the UIC program in any manner that the Department determines is necessary to ensure that the injection shall not result in the movement of fluids into an underground source of drinking water.

8. The Department shall incorporate in the emergency permit, to the extent possible and not inconsistent with the emergency situation, all applicable requirements of this chapter and 40 CFR Parts 264 and 266.

Administrative correction.  
See: 29 N.J.R. 3822(a).

#### 7:14A-6.15 Residuals management

(a) Where applicable, the permittee shall comply with land-based sludge management criteria and shall conform with the requirements for the management of residuals and grit and screenings under:

1. Section 405 of the Federal Act governing the disposal of sludge from treatment works treating domestic sewage;

2. The Solid Waste Management Act, N.J.S.A. 13:1E-1 et seq., and the Solid Waste Management Rules, N.J.A.C. 7:26;

3. The Sludge Quality Assurance Regulations, N.J.A.C. 7:14-4;

4. The Statewide Sludge Management Plan promulgated pursuant to the Water Quality Planning Act, N.J.S.A. 58:11A-1 et seq., and the Solid Waste Management Act, N.J.S.A. 13:1E-1 et seq.; and

5. The provisions concerning disposal of sewage sludge and septage in sanitary landfills set forth at N.J.S.A. 13:1E-42 and the Statewide Sludge Management Plan.

(b) The NJPDES permit shall specify standards for residual use or disposal, under Section 405(d) of the Federal Act and N.J.A.C. 7:14A-20, unless those standards have been included in a permit issued under the appropriate provisions of subtitle C of the Solid Waste Disposal Act, Part C of the Safe Drinking Water Act, the Marine Protection, Research, and Sanctuaries Act of 1972, or the Clean Air Act, or under State permit programs approved by the Department.

(c) When there are no applicable standards for residual use or disposal, the permit may include requirements developed on a case-by-case basis to protect public health and the environment from any adverse effects which may occur from toxic pollutants in residual. If any applicable standard for residual use or disposal is promulgated under section 405(d) of the Federal Act and Sections 4 and 6 of the State Act and that standard is more stringent than any limitation on the pollutant or practice in the permit, the Department may initiate proceedings under these rules to modify or revoke and reissue the permit to conform to the standard for residual use or disposal.

**7:14A-7.13 Additional requirements for applications for NJPDES-DGW permits for infiltration/percolation lagoons**

(a) In addition to the general requirements for applications for discharge to ground water permits in N.J.A.C. 7:14A-7.9, an applicant for a NJPDES Discharge to Ground Water permit by infiltration/percolation lagoons shall submit to the Department the information as required in this section.

(b) Climate related information, reported on a monthly basis including but not limited to total precipitation, total snowfall, mean number of days with precipitation exceeding 0.10 and 0.50 inches, mean temperature, mean daily maximum and minimum temperatures and mean number of days with mean temperature less than 32 degrees Fahrenheit. All data shall be collected from the nearest National Weather Service weather station, for the 10 year period preceding the date of receipt by the Department of the application for a permit under this section.

(c) A description of the proposed cover crop or natural vegetation within the lagoon area and a detailed long term vegetation or crop management program, including use or disposal of the crop.

**7:14A-7.14 Additional requirements for applications for NJPDES-DGW permits for residual surface impoundments**

(a) In addition to the general requirements for applications for discharge to ground water permits in N.J.A.C. 7:14A-7.9, an applicant for a NJPDES Discharge to Ground Water permit for a residual surface impoundment shall submit to the Department the information as required in this section.

1. A description of residual characteristics as follows:

- i. The origin and volume of residual;
- ii. Dated analysis of the residual on a mg/kg dry weight basis, including all constituents required to be analyzed in accordance with the Sludge Quality Assurance Regulations (SQAR), N.J.A.C. 7:14-4; and

iii. Additional quality analyses as deemed necessary by the Department based on its evaluation of past SQAR reports or other related information, such as information on industrial discharges which may contribute constituents not normally evaluated under the SQAR program or which may contribute constituents identified in USEPA's Technical Support Document for Surface Disposal of Sewage Sludge.

iv. Any additional residual monitoring data the applicant compiled prior to applying for a permit, including available ground water monitoring data, with descriptions of well locations and depth to ground water;

2. Operational and procedural information as follows:

i. Procedures to fill the residual surface impoundment or residual infiltration/percolation lagoon which provide for uniform distribution;

ii. Application or loading rates as well as procedures for periodic evacuation for cleaning and inspection or to provide the resting phases;

iii. A schedule for periodic removal of residual and designation of ultimate management sites;

iv. The frequency of inspection of containment structures for routine maintenance and leakage, wall or liner failures or imperfections and general site management;

v. A spill control plan (for example, overflow prevention devices and/or high level alarms and automatic shut-off valves on influent lines) and emergency response procedures; and

vi. Facility operations, including volumes of residual to be handled, methods of handling, facility layout and use or disposal methods; and

3. Surface impoundments which treat, store, or dispose of hazardous waste shall comply with the requirements of N.J.A.C. 7:26G. Any surface impoundment that is not a solid waste facility pursuant to N.J.A.C. 7:26 shall comply with the provisions of N.J.A.C. 7:14A-7.10.

Administrative correction.

See: 29 N.J.R. 3822(a).

Amended N.J.A.C. references.

**7:14A-7.15 Additional requirements for applications for NJPDES-DGW permits for disposal of dredge spoils**

(a) In addition to the general requirements for discharge to ground water permits in N.J.A.C. 7:14A-7.9, an applicant for a NJPDES Discharge to Ground Water permit for land application of dredge spoils shall submit to the Department the information as required in this section.

(b) The applicant shall provide a proposed dredge spoils disposal plan containing the following components:

1. An engineering design and construction plan, including at a minimum;

i. A description of proposed pre-construction site work, grading, and foundation preparation;

ii. A description of characteristics of liners or other foundation materials;

iii. Results of stability analyses of dikes and berms with respect to operational stresses; and

iv. A description of the onsite and offsite transportation system, including transportation of dredge spoils to the site, routing, loading/unloading, and construction and maintenance of roads;

2. An operation/maintenance plan that includes:

- i. A plan that details the filling sequence;
  - ii. A plan detailing staging, and interim storage of materials prior to disposal into the confined upland site;
  - iii. Provisions for dust control, and control of fugitive dust emissions; and
  - iv. Use of intermediate and final cover;
3. A Ground Water Protection Program demonstrating that the disposal of dredge spoils will not contravene the Ground Water Quality Standards of N.J.A.C. 7:9-6. The Ground Water Protection Program shall identify and discuss the monitoring system to be employed pursuant to N.J.A.C. 7:14A-7.6(b) in consideration of the following:

- i. With the exception of facilities which qualify for the monitoring style in N.J.A.C. 7:14A-7.6(d)1, the maximum leachate concentration of the dredge spoils shall be determined by subjecting an adequate number of samples to leaching tests. The determination of what constitutes an adequate number of samples shall be in accordance with a statistical method, as described in N.J.A.C. 7:14A-7.7 above. Leaching tests shall be performed according to the methods described by the U.S. Army Corps of Engineers, Waterways Experiment Station (WES), or other test approved by the Department.
- ii. With the exception of facilities which qualify for the monitoring style in N.J.A.C. 7:14A-7.6(d)1, the leachate volume shall be estimated using the Hydrologic Evaluation of Landfill Performance (HELP) Model, EPA/600/9-94/xxx, U.S. Environmental Protection Agency Risk Reduction Engineering Laboratory, Cincinnati, OH.
- iii. When the results of (b)3i and ii above indicate that the quality of the leachate shall exceed the ground water quality standards, the plan shall include a ground water flow and solute transport model that can demonstrate that the annual discharge of contaminants in the leachate will not result in contravention of the ground water quality standards; and

4. A closure/post closure care plan, that describes in detail:

- i. The final cover to be used;
- ii. A program to maintain the berms and dikes;
- iii. Plans to maintain or control vegetation; and
- iv. Plans to limit access using fences, and gates, etc.; and
- v. A financial plan that describes in detail how the closure improvements shall be maintained for 30 years.

## SUBCHAPTER 8. ADDITIONAL REQUIREMENTS FOR UNDERGROUND INJECTION CONTROL (UIC) PROGRAM

### 7:14A-8.1 Purpose and scope

(a) This subchapter establishes a system of controls to ensure that underground injection practices do not endanger underground sources of drinking water (USDWs). The goal of this subchapter is preventive. The Department's policy is to liberally interpret and enforce this subchapter to prevent the contamination of the State's ground water resources.

(b) This subchapter regulates the disposal of wastes by well injection as well as the underground storage of fluids (including gases) which have been emplaced by means of an injection well and the injection of water. Paragraph (b)1 below sets forth examples of the underground injection activities regulated under this subchapter. All injection wells are divided into five classifications, which are set forth at N.J.A.C. 7:14A-8.2.

1. The following injection wells are among the injection activities regulated under this subchapter:

- i. Any injection well located on a drilling platform within the State's territorial waters;
- ii. Any well, including any dug hole, that is deeper than its largest surface dimension, where the principal function of the well is emplacement of fluids;
- iii. Any septic system, disposal bed, seepage pit, or cesspool used by a generator of hazardous waste, or by an owner or operator of a hazardous waste management facility to dispose of fluids containing hazardous waste;
- iv. Any one subsurface disposal system or multiple subsurface disposal systems, on a single property, for which the aggregate sanitary wastewater design flow is in excess of 2000 gpd, calculated in accordance with the minimum standards for average facilities listed in the Department's Standards for Individual Subsurface Sewage Disposal Systems, at N.J.A.C. 7:9A-7.4; and
- v. Any injection well used to inject industrial wastes, including but not limited to drywells, leaching fields, septic systems, and seepage pits.

2. The following injection activities are not regulated under this subchapter;

- i. Any injection well located on a drilling platform or other site that is beyond the State's territorial waters;
- ii. Any single family residential subsurface sewage disposal system that is designed, constructed, installed and operated in compliance with the Realty Improvement Sewerage and Facilities Act, N.J.S.A. 58:11-23 et seq., and the Department's Standards for Individual Subsurface Sewage Disposal Systems, N.J.A.C. 7:9A where applicable;

(c) Nothing in this subchapter shall preclude or deny the right of a local agency to independently implement an IPP or adopt any pretreatment requirements or standards which are more stringent than the requirements in 40 CFR Part 403, 40 CFR chapter I, subchapter N, or the requirements in this subchapter.

#### **7:14A-19.2 Industrial pretreatment program development by local agencies**

(a) Any local agency, or combination of treatment works operated by the same local agency, which meets the following criteria shall establish an IPP unless the Department exercises its option to implement the IPP:

1. The treatment works total design flow is greater than five million gallons per day (MGD); and
2. The treatment works receives pollutants from indirect users which pass through or interfere with the operation of the treatment works or are otherwise subject to pretreatment standards.

(b) The Department shall require a local agency, or combination of treatment works operated by the same local agency, with a design flow of five MGD or less to establish an IPP if the nature or volume of industrial influent, treatment process upsets, violations of effluent limitations, contamination of municipal sludge, or other circumstances warrant the establishment of an IPP in order to prevent interference with the treatment works or pass through.

(c) Any local agency required to establish an IPP pursuant to (a) or (b) above shall develop and submit to the Department for approval an IPP in accordance with the requirements of 40 CFR Part 403 and the additional requirements of this subchapter. The local agency required to develop an IPP shall have a pretreatment program compliance schedule incorporated into the NJPDES permit at the time of issuance, re-issuance, or modification of the permit. The compliance schedule shall require the development and submission of an IPP which addresses the requirements of this subchapter no later than one year after receipt of written notification from the Department that such an IPP is required.

#### **7:14A-19.3 Industrial pretreatment program requirements for all local agencies**

(a) As specified at N.J.A.C. 7:14A-16.3 and 16.4, the Department may reissue or modify a local agency's NJPDES permit to include IPP requirements as set forth in this subchapter.

(b) All local agencies, including those not required by N.J.A.C. 7:14A-19.2(a) and (b) to establish an IPP, shall comply with the following IPP requirements:

1. All local agencies shall submit a copy of the local sewer use ordinance or rules and regulations, including any amendments, to the Bureau of Pretreatment and

Residuals in the Department at 401 East State Street, PO Box 029, Trenton, NJ 08625-0029;

2. All local agencies shall identify and locate indirect users as specified below:

- i. All delegated local agencies shall update their inventory of indirect users at a frequency and diligence adequate to ensure proper identification of indirect users subject to pretreatment standards, appropriate characterization of the nature of their discharges, and correct designation of indirect users as categorical, significant/major, or other regulated. This update shall be completed at a minimum frequency of once per year, and shall be included in the 40 CFR 403 Annual Report required under N.J.A.C. 7:14A-19.6(f).

- ii. Non-delegated local agencies shall submit an annual report, which consists of a listing of all indirect users which meet the significant indirect user definition in N.J.A.C. 7:14A-1.2;

3. All local agencies shall develop local limits or demonstrate that such limits are not necessary in accordance with N.J.A.C. 7:14A-19.7;

4. Of the amount of any penalty assessed and collected pursuant to an action brought by a local agency in accordance with N.J.S.A. 58:10A-10, 10 percent shall be deposited in the Wastewater Treatment Operators' Training Account established in accordance with N.J.S.A. 58:10A-14.5 and used to finance the cost of training operators of municipal treatment works. The remainder shall be used by the local agency solely for enforcement purposes and for upgrading municipal treatment works; and

5. Except as otherwise provided in N.J.S.A. 47:1A-3, any records, reports, or other information obtained by a local agency pursuant to this paragraph or N.J.S.A. 58:11-53, including any correspondence relating thereto, shall be available to the public. However, upon a showing satisfactory to the local agency by any person that the making public of any record, report, or information, or a part thereof, other than effluent data, would divulge methods or processes entitled to protection as trade secrets, the local agency shall consider such record, report, or information, or part thereof, to be confidential and access thereto shall be limited to authorized officers or employees of the Department, local agency, and the Federal government.

(c) All delegated local agencies (DLAs) shall comply with the following IPP requirements:

1. All DLAs shall notify indirect users of the responsibilities required in the DLA's rules and regulations or sewer use ordinance as soon as possible but no later than 30 days from the determination that such indirect users are subject to regulation under the IPP. This notice shall not preclude the DLA from taking any enforcement action against an indirect user;

2. All DLAs shall issue an IPP permit to indirect users, as required by the DLA's NJPDES permit;

3. All DLAs shall perform compliance monitoring and inspections of indirect users, as required by the DLA's NJPDES permit;

4. All DLAs shall review and respond to violations of an IPP permit or the sewer use ordinance/rules and regulations, within 60 days of receipt of the compliance information generated by indirect users or the DLA;

5. All DLAs shall take enforcement actions based upon indirect users' noncompliance in accordance with the approved Enforcement Response Plan (ERP). In the absence of an approved ERP, the enforcement action shall be taken in accordance with the IPP as approved;

6. All DLAs shall develop and maintain a data management system which includes an indirect user inventory, characterization of the nature of indirect user discharges, compliance status, permit status, and enforcement actions. The DLA shall retain for a minimum of five years records of its monitoring activities and results (whether or not such activities are required by the DLA's NJPDES permit) and shall make such records available to EPA and the Department upon request;

7. All DLAs shall sample their treatment works and sludges as specified below:

i. Perform, at least once per year, an analysis for those priority pollutants listed in N.J.A.C. 7:14A-4, Appendix A, Tables II and III, of the discharge from, and inflow to, the municipal treatment works; and

ii. Perform, at least once per year, a priority pollutant scan on the sludge produced at the municipal treatment works. This analysis must be completed on those parameters listed in the Sludge Quality Assurance Regulations, N.J.A.C. 7:14-4. The sludge samples shall be collected to coincide with the influent and effluent monitoring for priority pollutants required in (c)7i above;

8. All DLAs shall comply with the public participation and notification requirements in N.J.A.C. 7:14A-19.10;

9. All DLAs shall notify their significant indirect users (SIUs) in writing, in accordance with 40 CFR 403.8(f)(2)(iii), of the SIUs' obligation to comply with applicable requirements under Subtitles C and D of the Resource Conservation and Recovery Act (RCRA);

10. All DLAs shall secure and maintain sufficient resources and qualified personnel, in accordance with 40 CFR 403.8(f)(3), to carry out the program implementation procedures described in this subchapter;

11. All DLAs shall submit annual reports required by N.J.A.C. 7:14A-19.6(c) and (f); and

12. Of the penalty amount collected through the issuance of a summons pursuant to N.J.S.A. 58:10A-10.4, 10 percent shall be paid to the municipality or municipalities in which the municipal court retains jurisdiction for use for court purposes, with the remainder to be retained by the DLA.

Administrative correction.

See: 29 N.J.R. 3822(a).

Amended N.J.A.C. references.

#### 7:14A-19.4 Enforcement response plans

(a) A delegated local agency shall develop and implement an enforcement response plan in accordance with this section. The plan shall contain detailed procedures describing how a delegated local agency shall investigate and respond to instances of indirect user noncompliance. The plan shall, at a minimum:

1. Describe how the delegated local agency shall investigate instances of noncompliance;

2. Describe the types of escalating enforcement responses the delegated local agency shall take in response to all anticipated types of indirect user violations and the time frames within which responses shall take place;

3. Identify (by title) the official(s) responsible for each type of response;

4. Adequately reflect the delegated local agency's primary responsibility to enforce all applicable pretreatment requirements and standards as detailed in 40 CFR 403.8(f)(1) and (f)(2), and the delegated local agency's approved pretreatment program and amendments; and

5. Contain noncompliance and nature of violation criteria and responses as set forth in the plan contained in Appendix A of this subchapter, incorporated hereby by reference, which denotes the minimum requirements.

(b) A delegated local agency may develop an enforcement response plan in tabular format for easy reference, such as the enforcement response plan set forth in Appendix A.

(c) The enforcement response plan shall be included within the rules and regulations or sewer use ordinance of a delegated local agency.

(d) The enforcement response plan shall include or shall incorporate by reference all mandatory penalties, settlement restrictions, uniform penalty policies and other requirements applicable to the Department in accordance with N.J.A.C. 7:14-8.1(f), including, without limitation, the civil administrative penalty determination procedure specified in N.J.A.C. 7:14-8.16.

(e) The development of the ERP in accordance with this section shall not preclude a DLA from initiating other available enforcement responses where violations are not specifically identified in the ERP.

Administrative correction.  
See: 29 N.J.R. 3822(a).  
Amended N.J.A.C. references.

**7:14A-19.11 Enforcement action for failure to implement or enforce an approved industrial pretreatment program**

The Department may take enforcement action against a delegated local agency pursuant to N.J.A.C. 7:14-8.17 for

failure to implement the conditions of an approved industrial pretreatment program and any subsequent amendments thereto or enforce the conditions of an approved industrial pretreatment program, including the approved enforcement response plan, and any subsequent amendments thereto in accordance with N.J.A.C. 7:14-8.

Amended by R.1999 d.32, effective January 19, 1999.  
See: 30 N.J.R. 1356(a), 31 N.J.R. 157(a).  
Rewrote the section.

**APPENDIX A**

**ENFORCEMENT RESPONSE PLAN**

Unauthorized Discharges

Noncompliance

1. Discharge without a permit (Permit required)

Nature of the Violation  
No harm to POTW environment  
Harm to POTW/environment (IU meets SNC criteria under 40 CFR Part 403.8(f)(2)(vii))

Enforcement Responses  
NOV with application form, if needed  
Take action to halt activity

Time Frame  
60 days

Personnel

2. Failure to renew

Noncompliance with order to submit application  
Failure to submit application prior to 180 days of expiration of current permit  
Failure to apply continues after notice by the POTW

Seek penalty

6 months

NOV

60 days

Seek penalty

6 months

3. Discharge outside scope of application/permit

Failure to notify in advance of new introductions of pollutants or significant change in existing pollutants

NOV with permit application to be modified

60 days

Discharge Limit Violation

1. Exceedance of local or Federal standard (permit limit)

Individual or monthly non-serious violation

NOV; compliance response/corrective action plan, if needed

60 days from receipt

Serious violation (individual or monthly)

Seek at least a mandatory minimum penalty in accordance with N.J.A.C. 7:14-8.16

6 months

2. Exceedance of local or Federal standard (permit limit) (continued)

Significant Noncompliance (IU meets SNC criteria under 40 CFR Part 403)

Public notice

Annually, but not later than 60 days after 403 annual report submitted to NJDEP.

Significant noncompliance (IU meets SNC criteria in NJWPCA, under N.J.S.A. 58:10A-3.w.)

Seek at least a mandatory minimum penalty in accordance with N.J.A.C. 7:14-8.16

6 months

Monitoring and Reporting Violations

1. Reporting violation

Late, 5 or more days after due date (but complete)

NOV, seek penalty, including at least mandatory minimum penalty for overdue effluent parameter information, if any, in accordance with N.J.A.C. 7:14-8.9 (note: Penalty waived if complete report is received within 10 days of receipt of the NOV)

6 months

<u>Noncompliance</u>	<u>Nature of the Violation</u>	<u>Enforcement Responses</u>	<u>Time Frame</u>	<u>Personnel</u>
	Late 31 days or more after due date (but complete)	Public notice, NOV, and seek penalty, including at least mandatory minimum penalty for overdue effluent parameter information, if any, in accordance with N.J.A.C. 7:14-8.9 (note: Penalty waived if complete report is received within 10 days of receipt of NOV)	Public notice in accordance with approved program Penalty within 6 months	
	Incomplete for effluent parameter omission	Seek at least a mandatory minimum penalty in accordance with N.J.A.C. 7:14-8.9	6 months	
	Incomplete for data omission (IU meets SNC criteria under 40 CFR Part 403)	Public notice	Annually	
	Incomplete for effluent parameter omission (IU meets SNC criteria under NJWPCA)	Public notice and seek at least a mandatory minimum penalty in accordance with N.J.A.C. 7:14-8.9 and N.J.A.C. 7:14-8.16(a)	Public notice in accordance with approved program Penalty within 6 months	
	Incomplete for other omissions (IU meets SNC criteria under NJWPCA)	Public notice and seek at least a mandatory minimum penalty in accordance with N.J.A.C. 7:14-8.16	Public notice in accordance with approved program Penalty within 6 months	
	Incomplete for other omissions Falsification	NOV Seek penalty or refer to county prosecutor	60 days 60 days	
2. Failure to adhere to compliance schedules (in control document, permit, AO/ACO, letter of agreement)	Missed milestone by less than 30 days	NOV, seek penalty (note: penalty may be waived if final compliance is met by due date)	6 months	
	Missed milestone by more than 30 days (IU meets SNC criteria under 40 CFR Part 403)	NOV, seek penalty, public notice (note: penalty may be waived if final compliance is met by due date)	6 months	
3. Failure to notify	Failure to meet final compliance date Failure to report spill or changed discharge	NOV, seek penalty NOV; seek penalty where necessary	6 months NOV w/in 60 days of discovery; penalty no later than 6 months of discovery	
4. Failure to monitor correctly	Incorrect sample location, incorrect sample type, incorrect sample collection techniques, or incorrect sample analysis	NOV, with proper resampling, including sample analysis	60 days	
5. Failure to report additional monitoring	POTW inspection finds additional files	NOV with request to submit additional monitoring data	60 days	
<b>Other Permit Violations</b>				
1. Wastestreams are diluted to achieve discharge limits	Dilution	NOV, seek penalty	NOV—60 days; penalty—6 months	

<u>Noncompliance</u>	<u>Nature of the Violation</u>	<u>Enforcement Responses</u>	<u>Time Frame</u>	<u>Personnel</u>
2. Continuing failure to halt or prevent a discharge which caused or causes imminent endangerment to human health, welfare, or the environment or has resulted in the POTW's exercise of its emergency authority under 40 CFR 403.8(f)(1)(vi)(B)	Refusal to discontinue activity upon notification	Take physical (effective) action or seek court order to halt discharge	2 days max.	
3. Failure to maintain in good working order and properly operate, any facilities or systems of control installed to achieve compliance with the terms and conditions of the permit	Violation of operating requirements	NOV	60 days	
4. Entry denial	Entry denied or consent withdrawn. Copies of records denied	NOV, seek penalty	6 months	
5. Inadequate record keeping	POTW inspector finds files incomplete or missing	NOV	60 days	

Administrative correction.

See: 29 N.J.R. 3822(a).

In 1, under "Nature of the Violation", inserted "(IU meets SNC criteria under 40 CFR Part 403.8(f)(2)(vii))".

Amended by R.1999 d.32, effective January 19, 1999.

See: 30 N.J.R. 1356(a), 31 N.J.R. 157(a).

Rewrote the Appendix.

**7:14A-20.2 Applicability**

(a) This subchapter applies to:

1. Any person who prepares residual that is applied to the land, any person who applies residual to the land, residual applied to the land, and the land on which residual is applied;

2. The closure of sewage sludge surface disposal sites; and

3. The operating entity of any treatment works treating domestic sewage, including residual transfer stations, or of any residual-only facility, whether or not the treatment works is otherwise required to obtain a NJPDES permit unless all requirements implementing standards for residual use or disposal applicable to the treatment works are included in a permit issued under the authority of the New Jersey Solid Waste Management Act, N.J.S.A. 13:1E-1 et seq., or the New Jersey Air Pollution Control Act, N.J.S.A. 26:2C-1 et seq.

(b) The requirements in N.J.A.C. 7:14A-20.7 do not apply when:

1. Bulk material derived from sewage sludge is applied to the land if the sewage sludge from which the bulk material is derived is generated under a NJPDES permit and meets the pollutant concentrations in 40 CFR 503.13(b)3, the Class A pathogen requirements in 40 CFR 503.32(a), and one of the vector attraction reduction requirements in 40 CFR 503.33(b)1 through 8; or

2. A material derived from sewage sludge is sold or given away in a bag or other container to be applied to the land if the sewage sludge from which the material is

**SUBCHAPTER 20. STANDARDS FOR THE USE OR DISPOSAL OF RESIDUAL**

**7:14A-20.1 Purpose**

(a) This subchapter establishes:

1. Permit application requirements and standards, which consist of general requirements, pollutant limits, management practices, frequency of monitoring requirements, recordkeeping and operational standards, for residual applied to the land or the land to which residual is applied in conformance with 40 CFR Part 503, unless otherwise specifically stated;

2. Permit application requirements and standards for the closure of sewage sludge surface disposal sites;

3. Permit application requirements and standards for residual transfer stations; and

4. Permit application and case-by-case permitting requirements for residual use and disposal practices consistent with 40 CFR Parts 122, 123 and 124.

derived is generated under a NJPDES permit and meets the pollutant concentrations in 40 CFR 503.13(b)3, the Class A pathogen requirements in 40 CFR 503.32(a), and one of the vector attraction reduction requirements in 40 CFR 503.33(b)1 through 8.

(c) The general requirements in N.J.A.C. 7:14A-20.7(b)1 and the management practices in N.J.A.C. 7:14A-20.7(b)2 do not apply when:

1. Bulk residual is applied to the land, if the bulk residual meets the pollutant concentrations in 40 CFR 503.13(b)3, the Class A pathogen requirements in 40 CFR 503.32(a), and one of the vector attraction reduction requirements in 40 CFR 503.33(b)1 through (8). However, the Department may apply any or all of the general requirements in N.J.A.C. 7:14A-20.7(b)1 and the management practices in N.J.A.C. 7:14A-20.7(b)2 to the bulk residual on a case-by-case basis as described at N.J.A.C. 7:14A-20.5(a)3;

2. Bulk material derived from residual is applied to the land if the derived bulk material meets the pollutant concentrations in 40 CFR 503.13(b)3, the Class A pathogen requirements in 40 CFR 503.32(a), and one of the vector attraction reduction requirements in 40 CFR 503.33(b)1 through (8). However, the Department may apply any or all of the general requirements in N.J.A.C. 7:14A-20.7(b)1 and the management practices in N.J.A.C. 7:14A-20.7(b)2 to the bulk material on a case-by-case basis as described at N.J.A.C. 7:14A-20.5(a)3;

3. Residual is sold or given away in a bag or other container for application to the land if the residual sold or given away in a bag or other container for application to the land meets the pollutant concentrations in 40 CFR 503.13(b)3, the Class A pathogen requirements in 40 CFR 503.32(a), and one of the vector attraction reduction requirements in 40 CFR 503.33(b)1 through (8);

4. A material derived from residual is sold or given away in a bag or other container for application to the land if the derived material meets the pollutant concentrations in 40 CFR 503.13(b)3, the Class A pathogen requirements in 40 CFR 503.32(a), and one of the vector attraction reduction requirements in 40 CFR 503.33(b)1 through (8).

(d) References in this subchapter to 40 CFR Part 122, Part 258, 503.13, 503.15, 503.17(a), 503.32 and 503.33, with the exception of requirements for domestic septage, incorporate such Federal requirements by reference including future supplements and amendments to these requirements. All other references in this subchapter to 40 CFR Part 503 incorporate such Federal requirements by reference as they existed as of May 5, 1997.

(e) Where the Statewide Sludge Management Plan (SSMP) and this subchapter conflict, the provisions of this subchapter shall control.

Administrative correction.  
See: 29 N.J.R. 3822(a).  
Amended N.J.A.C. references.

### 7:14A-20.3 Relationship to other regulations

(a) This subchapter does not establish:

1. Standards for the firing of residual in an incinerator which receives an air pollution control permit pursuant to N.J.A.C. 7:27;

2. Requirements for the use or disposal of residual determined to be hazardous in accordance with 40 CFR Part 261 and N.J.A.C. 7:26G;

3. Requirements for the use or disposal of residual with a concentration of polychlorinated biphenyls (PCBs) equal to or greater than 50 milligrams per kilogram of total solids (dry weight basis) in accordance with 40 CFR Part 761;

4. Standards for the co-disposal of residual in a municipal solid waste landfill which receives a permit pursuant to 40 CFR Part 258 or N.J.A.C. 7:26; or

5. Standards for the disposal of residual in a sanitary landfill, as defined at N.J.A.C. 7:26, which receives a permit pursuant to N.J.A.C. 7:26.

Administrative correction.  
See: 29 N.J.R. 3822(a).  
Amended N.J.A.C. references.

### 7:14A-20.4 Special definitions

The following words and terms have specific meanings when used in this subchapter: "agricultural land," "final cover," "forest," "liner," "lower explosive limit for methane gas," "pasture," "permitting authority," "pollutant limit," "public contact site," "range land" and "runoff." The applicable definitions are set forth at N.J.A.C. 7:14A-1.2.

### 7:14A-20.5 Establishing limitations, standards and other permit conditions

(a) The Department shall establish conditions in each NJPDES permit for the use or disposal of residual, as required on a case-by-case basis, to provide for and ensure compliance with all applicable requirements of the Federal and State Acts and the regulations promulgated thereunder, as follows:

1. The Department shall include standards for residual use or disposal in each NJPDES permit unless those standards have been included in a permit issued under the appropriate provisions of the New Jersey Solid Waste Management Act, N.J.S.A. 13:1E-1 et seq., or the New Jersey Air Pollution Control Act, N.J.S.A. 26:2C-1 et seq. If any applicable standard for residual use or disposal is promulgated and that standard is more stringent than any limitation on the pollutant or practice in the permit, the Department may initiate proceedings under N.J.A.C. 7:14A-16.4 to modify or revoke and reissue the permit to conform to the standard for residual use or disposal.

2. For any permit issued to a treatment works treating domestic sewage or residual-only facility, the Department shall include a reopener clause to allow the incorporation of any applicable standard for residual use or disposal. The Department shall promptly modify or revoke and reissue any permit containing the reopener clause required by this paragraph if an applicable standard for residual use or disposal is more stringent than any requirements for residual use or disposal in the permit, or controls a pollutant or practice not limited in the permit.

3. On a case-by-case basis, the Department may impose requirements for the use or disposal of residual in addition to or more stringent than the requirements in this subchapter when necessary to protect public health or the environment from any adverse effect of the pollutant in the residual. This authority shall include, but not be limited to, the following:

i. The authority to require compliance with pollutant limits for additional constituents which the Department has evidence exceed the range found in sewage sludge produced in the State as determined by the Sludge Quality Assurance Regulations, N.J.A.C. 7:14-4, or which exceed acceptable levels in USEPA's Technical

Support Document for Land Application of Sewage Sludge, EPA 822/R-93-001a and 001b, November 1992 or Technical Support Document for Surface Disposal of Sewage Sludge, EPA 822/R-93-002, November 1992, as amended and supplemented;

ii. For bulk residual applied in accordance with N.J.A.C. 7:14A-20.7(h)1, the authority to require compliance with any or all of the general requirements in N.J.A.C. 7:14A-20.7(b)1 and the management practices in N.J.A.C. 7:14A-20.7(b)2 upon the Department's determination that the general requirements or management practices are needed to protect public health and the environment;

iii. For residual applied in accordance with N.J.A.C. 7:14A-20.7(h), the authority to establish additional steps in the treatment of residual to control the release of air contaminants (including, but not limited to, ammonia) consistent with the Air Pollution Control Act, N.J.S.A. 26:2C-1 et seq. This additional step shall include, but not be limited to, the requirement to increase the maturity of marketable residual products by achieving additional temperature reduction and moisture reduction; and

iv. For sites where bulk residual is applied under N.J.A.C. 7:14A-20.7(h), the authority to require a permit or a Letter of Land Application Management Approval to be obtained upon the Department's determination that a permit or Letter of Land Application Management Approval is needed to protect public health and the environment.

(b) The Department shall set forth the basis for permit conditions imposed under (a) above in a fact sheet issued pursuant to N.J.A.C. 7:14A-20.9, or, if the requirements are based on site-specific factors, a Letter of Land Application Management Approval issued pursuant to N.J.A.C. 7:14A-20.7(h) for the residual land application site.

(c) Innovative or alternative technologies and systems for residual use or disposal shall be regulated on a case-by-case basis in conformance with the requirements for the technology which most closely resembles the innovative or alternative technology system.

(d) The Department may designate any person subject to the standards for residual use or disposal as a "treatment works treating domestic sewage" or "residual-only facility" as defined by N.J.A.C. 7:14A-1.2, where it is found that a permit is necessary to protect public health and the environment from the adverse effects of a residual or to ensure compliance with the technical standards for residual use or disposal. Any person designated as a "treatment works treating domestic sewage" or "residual-only facility" shall submit an application for a permit under N.J.A.C. 7:14A-4 within 180 days of being notified by the Department that a permit is required. The basis for the Department's decision to designate a person as a "treatment works treating domestic sewage" or "residual-only facility" under this paragraph shall be stated in the fact sheet or statement of basis for the permit.

**7:14A-20.6 Environmental assessment**

(a) In addition to the information required by N.J.A.C. 7:14A-4, an applicant for a NJPDES permit for residual use or disposal shall submit an environmental assessment for the location where a residual will be prepared to be applied to the land, the location where a residual was placed on a surface disposal site, or the location of any other treatment works treating domestic sewage (TWTDS) or residual-only facility required to obtain a permit pursuant to this subchapter. The magnitude and detail of the environmental assessment shall be determined by the Department and shall be relative to the nature, scale and location of the proposed TWTDS or residual-only facility. Where the permitted activity shall not require the construction of additional infrastructure the Department shall waive this requirement. At a minimum, the environmental assessment shall conform to the environmental assessment requirements of the Department's applicable NJPDES Permit Technical Manual in effect at the time of submission of the assessment and shall include:

1. A written description of facility operations, including volumes of residual to be handled, methods of handling, facility layout, and use or disposal of any end products;

2. An analysis of the impact that the proposed TWTDS or residual-only facility will have on local transportation patterns, drainage and soil characteristics, surface and ground water quality, endangered or threatened wildlife and vegetation, storm water and wastewater collection/treatment capability, water supply capability, ambient acoustical conditions and air quality;

3. A description of how the TWTDS or residual-only facility will conform or conflict with the objectives of any applicable Federal, State, or local land use and/or environmental requirements for areas within two miles of the perimeter of a proposed large facility (residual production equal to or greater than 15,000 metric tons per 365 day period), or within one mile of the perimeter of a proposed small facility (residual production less than 15,000 metric tons per 365 day period); and

4. Where a potential conflict between the TWTDS or residual only-facility and the objectives of land use and/or environmental requirements is identified under (a)3 above, a description of the mitigation efforts to be undertaken to minimize any such conflict.

**7:14A-20.7 Land application**

(a) In addition to the information required in N.J.A.C. 7:14A-4 and 20.6, an applicant for a NJPDES permit to prepare residual for land application shall submit the following:

1. Information on the characteristics of the residual proposed to be applied, to the extent known at the time that the permit application is submitted, including, but not limited to:

- i. The origin and volume of the residual;
- ii. A dated analysis of the residual on a mg/kg dry weight basis (or other unit as specified) for the following constituents:

- Total solids (percent by weight)
- pH (standard units)
- Total Kjeldahl nitrogen
- Ammonia-nitrogen
- Nitrate-nitrogen
- Calcium
- Potassium
- Phosphorus
- Arsenic
- Cadmium
- Copper

Lead  
 Mercury  
 Molybdenum  
 Nickel  
 Selenium  
 Zinc

iii. A copy of all reports required to be submitted under the Sludge Quality Assurance Regulations (SQAR), N.J.A.C. 7:14-4, for the previous 12-month period;

iv. Additional quality analyses (including characteristics pursuant to N.J.A.C. 7:26G) as may be deemed necessary by the Department through evaluation of past SQAR reports or other relevant information, such as information on industrial discharges which might contribute constituents not normally evaluated under the SQAR program or which may exceed levels identified in USEPA's Technical Support Document for Land Application of Sewage Sludge, EPA 822/R-93-001a and 001b, November 1992.

2. Where the sources of residual to be land applied are not known at the time of permit application, requests for approval to land apply residual shall be submitted in accordance with N.J.A.C. 7:14A-20.11.

3. For bulk residual which does not satisfy the pollutant concentrations in 40 CFR 503.13(b)(3), the Class A pathogen requirements in 40 CFR 503.32(a), or one of the vector attraction reduction options in 40 CFR 503.33(b)(1) through (8), requests for approval to land apply residual shall be submitted in accordance with the following:

i. For each residual land application site identified at the time of permit application, the applicant shall, in accordance with the applicable NJPDES Permit Technical Manual, supply information necessary to determine if the site is appropriate for land application and a description of how the site is or will be managed, including, but not limited to, the following:

(1) A residual land application site evaluation that includes, at a minimum, a description of easements, distances to surface water, distances to drinking water wells, distances to occupied dwellings, depth to ground water, depth to bedrock, slope, soil drainage class, pH, flooding, site soil texture and parent geologic material, and proposed buffer zones;

(2) A written analysis of operational considerations including, at a minimum, crop type, crop end use, residual application methods, whole residual application rates and seasonal limitations;

(3) An original or clear copy of the appropriate Soil Conservation Service Soil Survey Map showing the residual land application site;

(4) An original or clear copy of a 1:24,000 scale (7.5 minute Quadrangle) United States Geological Survey Topographic Map showing the exact location of the residual land application site and indicating the sheet name from which the map portion was taken; and

(5) An original or clear copy of the county tax map showing the location of the residual land application site and the location of any residual storage installations and indicating the sheet name from which the map portion was taken;

ii. Where proposed residual land application sites are not identified at the time of permit application, the applicant shall submit a notification plan for the Department's approval which at a minimum:

(1) Describes the geographical area covered by the plan; and

(2) Describes the form of advance public notice which, at a minimum, will be supplied to all landowners and occupants adjacent to or abutting a proposed residual land application site. This requirement may be satisfied through public notice in a newspaper of local circulation. Notice shall include, at a minimum, the name and address of the permittee, the name and address of the proposed residual land application site, a description of the activities that are proposed to occur at the residual land application site, and the name and address of the Bureau within the Department to which the permittee must submit an application for a Letter of Land Application Management Approval; and

iii. Following issuance of a permit, when a new land application site is proposed, a permittee shall submit an application to the Department for a Letter of Land Application Management Approval, where required pursuant to (h) below. An additional copy of the complete application for a LLAMA shall be simultaneously submitted to the municipal clerk of the municipality where the residual land application site is located. The application for a LLAMA shall include information necessary to determine if the proposed residual land application site is appropriate for land application and a description of how the site is or will be managed, including, but not limited to, the following:

(1) Information required pursuant to (a)3i above; and

(2) Information necessary for the Department to determine if the request is in conformance with a notification plan approved by the Department pursuant to (a)3ii above.

4. In order for the Department to approve a permit application for the land application of residuals other than sewage sludge, the applicant shall demonstrate, in addition to the requirements of (a)1 through 3 above, the following:

- i. That the land application of the residual will benefit soil physical properties, soil fertility and/or cover vegetation;
- ii. An understanding of the impacts of the residual on soil fertility, soil physical properties and plant growth; and
- iii. That the land application of a particular residual has a scientific basis and has been successfully tested or demonstrated in a field application or pilot program.

(b) For the land application of residual, the following general requirements and management practices shall apply, unless otherwise specifically stated:

1. In lieu of the general requirements in 40 CFR 503.12:

- i. No person shall apply residual to the land except in accordance with the requirements of this subchapter.
- ii. No person shall apply bulk residual subject to the cumulative pollutant loading rates in 40 CFR 503.13(b)2 to agricultural land, forest, a public contact site, or a reclamation site if any of the cumulative pollutant loading rates in 40 CFR 503.13(b)2 has been reached.
- iii. No person shall apply domestic septage to agricultural land, forest, or a reclamation site except in accordance with (f) below.
- iv. The person who prepares bulk residual that is applied to agricultural land, forest, a public contact site, or a reclamation site shall provide the person who applies the bulk residual written notification of information necessary to determine the agronomic rate pursuant to (g) below.

v. The person who applies residual to the land shall obtain information needed to comply with the requirements in this subchapter. In addition, before bulk residual subject to the cumulative pollutant loading rates in 40 CFR 503.13(b)2 is applied to the land, the person who proposes to apply the bulk residual shall comply with the requirements in 40 CFR 503.12(e) and shall also contact the Department to determine whether bulk residual was applied to the site prior to July 20, 1993. The cumulative amount of each pollutant that was applied to the site in the bulk residual and that was required to be tracked by the Department prior to July 20, 1993, shall be used to determine the additional amount of each pollutant which can be applied to the site after July 20, 1993 pursuant to 40 CFR 503.13(a)2i.

vi. When a person who prepares bulk residual provides the bulk residual to a person who applies the bulk residual to the land, the person who prepares the bulk residual shall provide the person who applies the bulk residual notice and necessary information to comply with the requirements of this subchapter.

vii. When a person who prepares residual provides the residual to another person who prepares the residual, the person who provides the residual shall provide the person who receives the residual notice and necessary information to comply with the requirements of this subchapter.

viii. The person who applies bulk residual to the land shall provide the owner or lease holder of the land on which the bulk residual is applied notice and necessary information to comply with the requirements of this subchapter.

ix. Any person who prepares bulk residual in New Jersey that is applied to land in a State other than New Jersey shall provide written notice to the permitting authority for the State in which the bulk residual is proposed to be applied prior to the initial application of bulk residual to the residual land application site by the applier. Any person who prepares bulk residual out-of-State that is to be applied to land in New Jersey shall provide written notice to the Department prior to the initial application of bulk residual to the residual land application site by the applier. The notice shall include:

- (1) The location, by either street address or latitude and longitude, of each residual land application site;
- (2) The approximate time period during which bulk residual will be applied to each residual land application site;
- (3) The name, address, telephone number, and New Jersey or National Pollutant Discharge Elimination System permit number (if applicable) for the person who prepares the bulk residual;
- (4) The name, address, telephone number, and New Jersey or National Pollutant Discharge Elimination System permit number (if applicable) for the person who will apply the bulk residual; and
- (5) Out-of-State generators which transport residual into the State of New Jersey to be applied to the land shall also comply with the requirements of (1) below.

x. Any person who prepares bulk residual in New Jersey and applies bulk residual subject to the cumulative pollutant loading rates in 40 CFR 503.13(b)2 to the land outside of the State of New Jersey shall provide written notice to the permitting authority for the State in which the bulk residual will be applied prior to the initial application of bulk residual to a

residual land application site by the applier. Any person who applies bulk residual subject to the cumulative pollutant loading rates in 40 CFR 503.13(b)2 to the land in New Jersey shall provide written notice to the Department prior to the initial application of bulk residual to a residual land application site by the applier. The permitting authority or Department shall retain and provide the public with access to the notice. The notice shall include:

(1) The location, by either street address or latitude and longitude, of the land application site; and

(2) The name, address, telephone number, and New Jersey or National Pollutant Discharge Elimination System permit number (if applicable) of the person who will apply the bulk residual.

2. In lieu of the management practices in 40 CFR 503.14:

i. Bulk residual shall not be applied to the land if it is likely to adversely affect a threatened or endangered species listed under Section 4 of the Federal Endangered Species Act, 16 U.S.C. § 1533 or its designated critical habitat.

ii. Bulk residual shall not be applied to agricultural land, forest, a public contact site, or a reclamation site that is flooded, frozen, or snow-covered so that the bulk residual enters a wetland or other waters of the State, as defined in N.J.A.C. 7:14A-1.2, except as otherwise provided in a permit issued pursuant to Section 402 or 404 of the CWA.

iii. Bulk residual shall not be applied to agricultural land, forest, or a reclamation site that is 10 meters or less from waters of the State, as defined in N.J.A.C. 7:14A-1.2, unless otherwise specified by the Department in a permit.

iv. Bulk residual shall be applied to agricultural land, forest, a public contact site, or a reclamation site in accordance with (g) below.

v. Either a label shall be affixed to the bag or other container in which residual that is sold or given away for application to the land, or an information sheet shall be provided to the person who receives residual sold or given away in an other container for application to the land. The label or information sheet shall contain the following information:

(1) The name and address of the person who prepared the residual that is sold or given away in a bag or other container for application to the land;

(2) A statement that application of the residual to the land is prohibited except in accordance with the instructions on the label or information sheet;

(3) The annual whole residual application rate for the residual that does not cause any of the annual pollutant loading rates in Table 4 of 40 CFR 503.13 to be exceeded; and

(4) Additional information as required under (h)4vii below.

(c) The applicable requirements and pollutant limits in 40 CFR 503.13(a) and (b) shall be met.

(d) Residual shall not be applied to the land unless the operational standards for pathogen and vector attraction reduction pursuant to 40 CFR 503.15(a) and (c) are met. Compliance with the operational standards for pathogen reduction is not required for pathogen-free material; however, the Department may impose operational standards for vector attraction reduction on pathogen-free material on a case-by-case basis through a NJPDES permit depending on the physical and chemical characteristics of the material to be land applied.

(e) Foreign material shall be removed from residual prior to the application of residual to the land. Foreign material removed from residual shall be managed in accordance with applicable State and Federal law and regulations.

(f) In accordance with the SSMP, it is the Department's policy that the use of domestic treatment works is the most environmentally sound and controllable method for management of domestic septage. However, the land application of domestic septage shall be permitted on a case-by-case basis where the applicant demonstrates that no reasonable alternative exists, subject to the following requirements:

1. Domestic septage shall not be applied to the land unless, at a minimum, the Class B pathogen reduction requirements pursuant to 40 CFR 503.32(b) and one of the vector attraction reduction requirements in 40 CFR 503.33(b)(1) through (b)(10) are met;

2. Domestic septage must be applied at a whole residual application rate that is equal to or less than the agronomic rate in accordance with (g) below;

3. Domestic septage must be screened through a number 4 mesh screen to remove foreign material;

4. Domestic septage must be certified to be from domestic sources only, analyzed pursuant to (a)1 above and satisfy the pollutant limits in 40 CFR 503.13(a) and (b); and

5. Domestic septage shall be applied to the land only in accordance with one of the land application programs described at (h) below.

(g) Bulk residual shall be applied to the land at a whole residual application rate that is equal to or less than the agronomic rate as specified by the Department in a permit based on best professional judgment unless, in the case of a reclamation site, otherwise approved by the Department.

(h) Residual applied to the land shall conform to one of the following programs based on the level of quality, pathogen reduction and vector attraction reduction achieved:

1. Residual which meets the pollutant concentrations in 40 CFR 503.13(b)(3), the Class A pathogen requirements in 40 CFR 503.32(a), and one of the vector attraction reduction requirements in 40 CFR 503.33(b)(1) through (8) shall be applied only in accordance with the following requirements:

i. The residual shall be monitored, records kept and information reported in accordance with (i), (j) and (k) below;

ii. Residual may be applied in bulk, or sold or given away in a bag or other container;

iii. Residual which is sold, offered for sale, or intended for sale as a fertilizer, soil conditioner or agricultural liming material shall be licensed by the New Jersey Department of Agriculture pursuant to the New Jersey Commercial Fertilizer and Soil Conditioner Act, N.J.S.A. 4:9-15.1 et seq., or the New Jersey Agricultural Liming Materials Act, N.J.S.A. 4:9-21.1 et seq., unless permit conditions for distribution are otherwise established by the Department in accordance with N.J.A.C. 7:14A-20.5; and

iv. Residual shall be labeled or accompanied by instructional literature conforming to the labeling requirements established by the New Jersey Department of Agriculture pursuant to the New Jersey Commercial Fertilizer and Soil Conditioner Act, N.J.S.A. 4:9-15.1 et seq., the New Jersey Agricultural Liming Materials Act, N.J.S.A. 4:9-21.1 et seq., or distribution requirements specified by the Department in a permit.

2. Residual which meets the pollutant concentrations in 40 CFR 503.13(b)(3) and the Class A pathogen requirements in 40 CFR 503.32(a), and which will meet one of the vector attraction reduction requirements in 40 CFR 503.33(b)(9) or (b)(10) shall be applied only in accordance with the following requirements:

i. The residual shall be monitored, records kept and information reported in accordance with (i), (j) and (k) below;

ii. The residual shall be applied in bulk only and shall not be applied to a lawn or home garden;

iii. The general requirements at (b)1 above and the management practices at (b)2 above apply;

iv. A Conservation Plan developed by the USDA-NRCS and approved by the Soil Conservation District or a SESCO (as applicable) shall be obtained and implemented for all residual land application sites (unless such planning is determined inapplicable to the site by an agency with concurrent jurisdiction); and

v. A LLAMA shall be obtained for all residual land application sites pursuant to (a)3iii above prior to the initial application of residual to the residual land application site. The conditions of a LLAMA shall be met by the person who applies residual to a residual land application site.

3. Residual which meets the pollutant concentrations in 40 CFR 503.13(b)(3) and the Class B pathogen requirements in 40 CFR 503.32(b), and which meets one of the vector attraction reduction requirements in 40 CFR 503.33(b)(1) through (8) or which will meet one of the vector attraction reduction requirements in 40 CFR 503.33(b)(9) or (b)(10), shall be applied only in accordance with the following requirements:

i. The residual shall be monitored, records kept and information reported in accordance with (i), (j) and (k) below;

ii. The residual shall be applied in bulk only and shall not be applied to a lawn or home garden;

iii. The general requirements at (b)1 above, the management practices at (b)2 above and the site restrictions at 40 CFR 503.32(b)(5) apply;

iv. A Conservation Plan developed by the USDA-NRCS and approved by the Soil Conservation District or a SESCO (as applicable) shall be obtained and implemented for all residual land application sites (unless such planning is determined inapplicable to the site by an agency with concurrent jurisdiction); and

v. A LLAMA shall be obtained for all residual land application sites pursuant to (a)3iii above prior to the initial application of residual to a residual land application site. The conditions of a LLAMA shall be met by the person who applies residual to a residual land application site.

4. Residual which meets the pollutant concentrations in 40 CFR 503.13(b)(1), the Class A pathogen requirements in 40 CFR 503.32(a), and one of the vector attraction reduction requirements in 40 CFR 503.33(b)(1) through (8) shall be applied only in accordance with the following requirements:

i. The residual must be monitored, records kept and information reported in accordance with (i), (j) and (k) below;

ii. The residual may be applied in bulk, or sold or given away in a bag or other container;

iii. The residual shall not be applied in bulk to a lawn or home garden;

iv. The general requirements at (b)1 above and the management practices at (b)2 above apply;

v. Residual which is sold, offered for sale, or intended for sale as a fertilizer, soil conditioner or agricultural liming material must be licensed by the New Jersey

Department of Agriculture pursuant to the New Jersey Commercial Fertilizer and Soil Conditioner Act, N.J.S.A. 4:9-15.1 et seq., or the New Jersey Agricultural Liming Materials Act, N.J.S.A. 4:9-21.1 et seq., unless permit conditions for distribution are otherwise established by the Department in accordance with N.J.A.C. 7:14A-20.5;

vi. Residual sold or given away in a bag or other container shall be labeled or the other container shall be accompanied by instructional literature, conforming to the labeling requirements established by the New Jersey Department of Agriculture pursuant to the New Jersey Commercial Fertilizer and Soil Conditioner Act, N.J.S.A. 4:9-15.1 et seq., the New Jersey Agricultural Liming Materials Act, N.J.S.A. 4:9-21.1 et seq., the labeling or literature requirements of (b)2v above, or other distribution requirements specified by the Department in a permit;

vii. For residual applied in bulk, the cumulative pollutant loading rates in 40 CFR 503.13(b)(2) shall not be exceeded and shall be tracked, recorded and reported in accordance with (i), (j) and (k) below;

viii. Where residual is applied in bulk, a Conservation Plan developed by the USDA-NRCS and approved by the Soil Conservation District or a SESCO (as applicable) shall be obtained and implemented for the residual land application site (unless such planning is determined inapplicable to the site by an agency with concurrent jurisdiction); and

ix. Where residual is applied in bulk, a LLAMA shall be obtained for all residual land application sites pursuant to (a)3iii above prior to the initial application of residual to the residual land application site. The conditions of a LLAMA shall be met by the person who applies residual to a residual land application site.

5. Residual which meets the pollutant concentrations in 40 CFR 503.13(b)(1) and the Class A pathogen requirements in 40 CFR 503.32(a), and which will meet one of the vector attraction reduction requirements in 40 CFR 503.33(b)(9) or (b)(10) shall be applied only in accordance with the following requirements:

i. The residual shall be monitored, records kept and information reported in accordance with (i), (j) and (k) below;

ii. The residual shall be applied in bulk only and shall not be applied to a lawn or home garden;

iii. The general requirements at (b)1 above and the management practices at (b)2 above apply;

iv. The cumulative pollutant loading rates in 40 CFR 503.13(b)(2) shall not be exceeded and shall be tracked, recorded and reported in accordance with (i), (j) and (k) below;

v. A Conservation Plan developed by the USDA-NRCS and approved by the Soil Conservation District or a SESCO (as applicable) shall be obtained and implemented for all residual land application sites (unless such planning is determined inapplicable to the site by an agency with concurrent jurisdiction); and

vi. A LLAMA shall be obtained for all residual land application sites pursuant to (a)3iii above prior to the initial application of residual to the residual land application site. The conditions of a LLAMA shall be met by the person who applies residual to a residual land application site.

6. Residual which meets the pollutant concentrations in 40 CFR 503.13(b)(1) and the Class B pathogen requirements in 40 CFR 503.32(b), and which meets one of the vector attraction reduction requirements in 40 CFR 503.33(b)(1) through (8) or which will meet one of the vector attraction reduction requirements in 40 CFR 503.33(b)(9) or (b)(10) shall be applied only in accordance with the following requirements:

i. The residual shall be monitored, records kept and information reported in accordance with (i), (j) and (k) below;

ii. The residual shall be applied in bulk only and shall not be applied to a lawn or home garden;

iii. The general requirements at (b)1 above, the management practices at (b)2 above and the site restrictions at 40 CFR 503.32(b)(5) apply;

iv. The cumulative pollutant loading rates in 40 CFR 503.13(b)(2) shall not be exceeded and shall be tracked, recorded and reported in accordance with (i), (j) and (k) below;

v. A Conservation Plan developed by the USDA-NRCS and approved by the Soil Conservation District or a SESCO (as applicable) shall be obtained and implemented for all residual land application sites (unless such planning is determined inapplicable to the site by an agency with concurrent jurisdiction); and

vi. A LLAMA shall be obtained for all residual land application sites pursuant to (a)3iii above prior to the initial application of residual to the residual land application site. The conditions of a LLAMA shall be met by the person who applies residual to a residual land application site.

(i) For residual which is to be applied to the land, the frequency of monitoring for the pollutants listed in Table 1, Table 2, Table 3 and Table 4 of 40 CFR 503.13, for the pathogen density requirements in 40 CFR 503.32(a) and 40 CFR 503.32(b)(2) through (b)(4), when applicable, and for the vector attraction reduction requirements in 40 CFR 503.33(b)(1) through (b)(8), when applicable, shall be the frequency specified in Table 1 of 40 CFR 503.16(a) unless otherwise specified below:

1. For sewage sludge, the frequency of monitoring shall be as specified in Table 1 of 40 CFR 503.16(a) or quarterly, whichever is more frequent, except as allowed under (i)2 and 3 below;

2. After any residual has been monitored for two years at the frequency in Table 1 of 40 CFR 503.16(a) or (i)1 above, the permittee may request the Department to reduce the frequency of monitoring as specified in 40 CFR 503.16(a)(2);

3. When a single source of sewage sludge totaling less than 290 metric tons per year (see Table 1 of 40 CFR 503.16(a)) is removed for application to the land no more frequently than three times per year, then monitoring shall be performed at least once prior to each removal;

4. Process parameter monitoring necessary to demonstrate whether any of the pathogen reduction requirements in 40 CFR 503.32(a)(3), (a)(4), (a)(5), (a)(7), (a)(8) and/or 40 CFR 503.32(b)(3) or (b)(4) are met (for example, temperature, time, percent total solids and pH) must be performed each day that the process(es) intended to meet any of the requirements is operated and as often each day as necessary; and

5. Process parameter monitoring necessary to demonstrate whether vector attraction reduction requirements in 40 CFR 503.33(b)(1), (b)(5), (b)(6), (b)(7) and (b)(8) are met (for example, volatile solids, time, temperature, pH and percent total solids) must be performed each day that the process(es) intended to meet any of the requirements is operated and as often each day as necessary.

(j) For residual which is to be applied to the land, recordkeeping shall conform to the requirements of 40 CFR 503.17(a) and the following additional information shall be retained for five years (unless otherwise required by 40 CFR Part 503):

1. Daily records of the sources of residual generated, received and processed as well as the quantity of residual generated, received and processed;

2. If bulk residual does not satisfy the pollutant concentrations in 40 CFR 503.13(b)(3), the Class A pathogen requirements in 40 CFR 503.32(a), or one of the vector attraction reduction options in 40 CFR 503.33(b)(1) through (8), the person who prepares the residual shall keep daily records of the destination of the residual, including, but not limited to, the location, by either street address, lot and block number or latitude and longitude of each site, the quantity of residual delivered and applied to each site, and the whole residual application rate in accordance with (g) above;

3. Where not otherwise specified in 40 CFR 503.17(a), information necessary to demonstrate compliance with the applicable land application program(s) pursuant to (h) above;

4. Records necessary to demonstrate compliance with (i) above; and

5. Records on the quantity and quality of all residual generated and/or received for processing pursuant to the Sludge Quality Assurance Regulations, N.J.A.C. 7:14-4. A 12 month moving mean and median shall be kept for all parameters specified under 40 CFR 503.13.

(k) For the land application of residual the following reporting requirements shall apply in lieu of the reporting requirements of 40 CFR 503.18:

1. The frequency of reporting to the Department of the records kept in accordance with (j) above shall be quarterly; and

2. The frequency of reporting may be reduced by the Department after two years of reporting pursuant to (k)1 above, but in no case shall the frequency of reporting be less than once per year.

(l) Out-of-State generators which transport residual into the State of New Jersey to be applied to the land shall, at a minimum, comply with all applicable requirements for the land application of residual pursuant to this subchapter and the following additional notice requirements:

1. In order for the Department to determine the applicable requirements under this subchapter, any person who prepares residual out-of-State for land application in New Jersey shall provide notice to the Department at least 120 days prior to the date that person intends to commence operations for the land application of residual. This notice shall, at a minimum, include:

i. Information on each residual land application site as required to be submitted pursuant to (a)3 and (b)1ix above, as applicable;

ii. Copies of those permits and approvals issued by the permitting authority for the state in which the residual is prepared;

iii. The name, address and phone number of a contact for the permitting authority for the state in which the residual is prepared; and

iv. A listing of any brand names under which a marketable residual product will be distributed.

2. In order for the Department to determine the applicable requirements under this subchapter, any person who currently prepares residual out-of-State which is land applied in New Jersey and plans to continue such activities after May 5, 1997 shall provide notice to the Department by August 3, 1997. This notice shall, at a minimum, include:

i. Information on each residual land application site as required to be submitted pursuant to (a)3 and (b)1ix above, as applicable;

ii. Copies of those permits and approvals issued by the permitting authority for the state in which the residual is prepared;

iii. The name, address and phone number of a contact for the permitting authority for the state in which the residual is prepared; and

iv. A listing of any brand names under which a marketable residual product has been or will be distributed.

3. Upon receipt of the notifications pursuant to (l) 1 and 2 above, the Department shall notify the person who prepares residual of the applicable requirements of this subchapter.

4. The Department shall waive some or all of the requirements for record keeping and reporting pursuant to (j) and (k) above if equivalent information is already kept and reported to the permitting authority for the out-of-State generator.

(m) See N.J.A.C. 7:14A-20.2(b) and (c) for situations in which the requirements in this section and in (b) above, respectively, do not apply.

Administrative correction.

See: 29 N.J.R. 3822(a).

Amended N.J.A.C. references.

#### 7:14A-20.8 Surface disposal of sewage sludge

(a) The storage of sewage sludge for more than six months constitutes surface disposal and is prohibited under this subchapter. However, this prohibition does not apply to sewage sludge that remains on the land for longer than six months when the person who prepares the sewage sludge demonstrates that the land on which the sewage sludge remains is not a surface disposal site. The demonstration shall explain why sewage sludge must remain on the land for longer than six months prior to final use or disposal, discuss the approximate time period during which the sewage sludge shall be used or disposed and provide documentation of ultimate management arrangements. Said demonstration shall be in writing, kept on file by the person who prepares sewage sludge and submitted to the Department upon request.

(b) The owner and/or operator of a sewage sludge surface disposal site that has not implemented a Department approved closure plan prior to May 5, 1997 shall submit a surface disposal site closure plan in accordance with the requirements of (d) below by May 5, 1998.

(c) The operating entity for a closed surface disposal site shall comply with the following management practices:

1. The closure of a surface disposal site shall not restrict the flow of a base flood, unless otherwise approved by the Department under the Flood Hazard Area Control rules, N.J.A.C. 7:13;

2. A closed surface disposal site shall not be located in an unstable area;

3. The sewage sludge leachate collection system for a closed surface disposal site that has a liner and sewage sludge leachate collection system shall be operated and maintained for a minimum of five years after the Department approves closure of the surface disposal site. Leachate from a closed surface disposal site that has a liner and sewage sludge leachate collection system shall be collected and shall be disposed in accordance with applicable requirements for a minimum of five years after the Department approves closure of the surface disposal site;

4. When a final cover is placed on a surface disposal site at closure, the concentration of methane gas in air in any structure within the surface disposal site shall not exceed 25 percent of the lower explosive limit for methane gas and the concentration of methane gas in air at the property line of the surface disposal site shall not exceed the lower explosive limit for methane gas for a minimum of five years after the Department approves closure of the surface disposal site;

5. The owner of a surface disposal site shall provide written notification to the subsequent owner of the site that sewage sludge was placed on the land. As part of closure of the surface disposal site, a detailed description of the surface disposal site shall be recorded, along with the deed, with the appropriate county recording office. The description shall include the quantity and quality of sewage sludge disposed, a map indicating the location and depth of sewage sludge on the site, the depth and type of cover material (if applicable), the dates the surface disposal site was in use and all such other information as may be of interest to potential landowners, and shall remain in the legal record of the property in perpetuity;

6. A food crop, a feed crop, or a fiber crop shall not be grown on a closed surface disposal site, unless the owner/operator of the surface disposal site demonstrates to the Department that through management practices public health and the environment will be protected from any adverse effects of pollutants in sewage sludge when crops are grown;

7. Animals shall not be grazed on a closed surface disposal site, unless the owner/operator of the surface disposal site demonstrates to the Department that through management practices public health and the environment will be protected from any adverse effects of pollutants in sewage sludge when animals are grazed;

8. The operating entity must implement a ground water monitoring program in compliance with N.J.A.C. 7:9-6; and

9. Public access to a closed surface disposal site shall be restricted for a minimum of five years after the Department approves closure of the surface disposal site.

(d) In addition to the requirements of N.J.A.C. 7:14A-4 and 20.6, a surface disposal site closure plan shall include the following minimum information:

1. The approximate date discharge to the surface disposal site ceased;
2. A description of the surface disposal site including approximate acreage, and lateral and vertical extent of the surface disposal site;
3. A discussion of the characteristics of the sewage sludge present in the surface disposal site, including:
  - i. The origin and volume of the sewage sludge;
  - ii. Dated quality analyses of the sewage sludge on a mg/kg dry weight basis including analyses of all constituents required to be analyzed in accordance with the Sludge Quality Assurance Regulations (SQAR), N.J.A.C. 7:14-4. The number of samples required to be analyzed shall be based on a statistical method as described in the Department's Field Sampling Procedures Manual, or as otherwise approved by the Department;
  - iii. Additional quality analyses may be required if deemed necessary by the Department through evaluation of past SQAR reports or other relevant information, such as information on industrial discharges which might contribute constituents not normally evaluated under the SQAR program for domestic treatment works; and
  - iv. A discussion, or where applicable, analyses pursuant to 40 CFR 503.25, explaining how pathogen requirements or vector attraction reduction requirements were achieved;
4. A description of the proposed method of closure, including plans for the removal and/or in-situ closure of sewage sludge remaining at the surface disposal site, and an implementation schedule for each component of the closure plan;
5. For in-situ closure proposals, the following information:
  - i. If the surface disposal site has a liner and sewage sludge leachate collection system, a discussion of how the sewage sludge leachate collection system will be operated and maintained for a minimum of five years;
  - ii. A description of the system used to monitor for methane gas in the air in any structures within the surface disposal site and in the air at the property line of the surface disposal site for a minimum of five years, where applicable;
  - iii. A discussion of how public access to the surface disposal site will be restricted for a minimum of five years; and

iv. A calculation of the surface run-off across the surface disposal site shall be prepared using a 24-hour, 25-year storm event with estimates of the effect of such run-off on treatment capacity, storage capacity, erosion, flooding, impacts on surface water quality and related details;

6. A soil erosion and sediment control plan certified by the local Soil Conservation District in accordance with the Soil Erosion and Sediment Control Act of 1975, or as amended (N.J.S.A. 4:24-39 et seq.), unless such planning is determined inapplicable by an agency with concurrent jurisdiction; and

7. Any other information required by N.J.A.C. 7:14A-7.20 for residual surface impoundment's or residual infiltration-percolation lagoons.

**7:14A-20.9 Fact sheet**

(a) In addition to the requirements of N.J.A.C. 7:14A-15.8, any fact sheet prepared under this subchapter shall contain the following:

1. Any calculations or other necessary explanation of the derivation of specific conditions or standards for residual use or disposal, including a citation as to the applicable basis or standard for residual use or disposal;
2. When the draft permit contains limitations set on a case-by-case basis pursuant to N.J.A.C. 7:14A-20.5, an explanation of the reasons why such conditions are appropriate;
3. When appropriate, a sketch or detailed description of the location of the regulated activity described in the application; and
4. For a draft permit that includes a notification plan under N.J.A.C. 7:14A-20.7(a)3, a brief description of the conditions of the permit that address approval of land application sites not identified at the time of permit application.

**7:14A-20.10 Residual transfer stations**

(a) In addition to the information required by N.J.A.C. 7:14A-4 and 20.6, an applicant for a NJPDES permit for a residual transfer station shall submit application information for residual transfer stations required pursuant to the State-wide Sludge Management Plan and the applicable NJPDES Permit Technical Manual adopted pursuant to N.J.S.A. 13:1D-111.

(b) Transfer of residual transport containers directly from vehicle to vehicle, including truck to train, for shipment to a residual management site or facility authorized by the permitting authority, is not considered a residual transfer station under this subchapter provided the following conditions are met:

1. The contents of each residual transport container shall remain in the residual transport container during transfer between vehicles; and

2. The transfer of residual transport containers shall not result in off-site nuisances, including, but not limited to, dust, odor and noise.

#### 7:14A-20.11 Generic residual quality determinations

(a) It shall be the responsibility of the person who prepares residual to ensure that all residual accepted for processing is compatible with the applicable residual quality limitations.

(b) A person who prepares residual to be applied to the land may accept a residual which does not meet the residual quality limitations of 40 CFR 503.13 provided the residual is to be blended with other residual and the final residual to be applied to the land meets the appropriate pollutant limits under 40 CFR 503.13, subject to the following:

1. Written Department approval pursuant to (c) below is required to accept sewage sludge for blending from domestic treatment works sources not known at the time of permit application where the median or mean pollutant concentration (based on a 12 month moving mean and median) for the source exceeds the residual quality limitations imposed on the person who prepares the residual pursuant to 40 CFR 503.13; and

2. Written Department approval pursuant to (c) below is required to accept residual from industrial treatment works sources not known at the time of permit application regardless of quality.

(c) The following information shall be submitted in order to obtain a generic residual quality determination:

1. For requests to process specific residuals, information shall be provided on the characteristics of the residual and analyses conducted in accordance with N.J.A.C. 7:14A-20.7(a)1 for the previous 12 month period, which shall be analyzed for mean, median and range for each parameter; and

2. For blending requests, a process schematic shall be provided on how complete blending of residuals will be achieved as well as technical documentation on achievement of residual quality limitations pursuant to 40 CFR 503.13 (including mass balance calculations).

## SUBCHAPTER 21. REQUIREMENTS FOR INDIRECT USERS

### 7:14A-21.1 Purpose and scope

(a) This subchapter:

1. Establishes requirements to prevent the introduction of pollutants into a local agency's treatment works which may:

i. Interfere with the operation of the local agency's treatment works;

ii. Pass through or would otherwise be incompatible with the local agency's treatment works; or

iii. Interfere with the local agency's chosen method of sludge management;

2. Sets forth the minimum discharge criteria and reporting requirements for all indirect users; and

3. Sets forth the specific requirements for an individual NJPDES-SIU permit for a significant indirect user as defined in N.J.A.C. 7:14A-1.2 discharging into a non-delegated local agency's treatment works.

(b) The Department adopts and incorporates herein by reference the General Pretreatment Regulations for Existing and New Sources of Pollution, 40 CFR 403, and National Pretreatment Standards in 40 CFR chapter I, subchapter N, as amended and supplemented.

### 7:14A-21.2 Minimum requirements for all indirect users

(a) The following conditions apply to all indirect users:

1. The prohibitions, as set forth in 40 CFR Part 403.5, against the introduction into a local agency's treatment works of any of the following:

i. Any pollutant(s) which causes pass through or interference;

ii. Any pollutants which create a fire or explosion hazard in the local agency's treatment works including, but not limited to, wastestreams with a closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees Centigrade using the test methods specified in 40 CFR 261.21;

iii. Any pollutants which will cause corrosive structural damage to the local agency's treatment works, but in no case a discharge with pH lower than 5.0, unless the treatment works is specifically designed to accommodate such discharges;

iv. Any solid or viscous pollutants in amounts which will cause obstruction to the flow in the local agency's treatment works resulting in interference;

v. Any pollutant, including oxygen demanding pollutants (for example, BOD) released in a discharge at a flow rate and/or pollutant concentration which will cause interference with the local agency's treatment works;

vi. Heat in amounts which will inhibit biological activity at the local agency's treatment works resulting in interference, but in no case heat in such quantities that the temperature at the local agency's treatment works exceeds 40 degrees Celsius (104 degrees Fahrenheit) unless the Department, upon request of the local agency, approves alternative temperature limits;

vii. Petroleum oil, nonbiodegradable cutting oil, or any product of mineral oil origin in amounts that will cause interference or pass through;

viii. Any pollutants which result in the presence of toxic gases, vapors, or fumes within the local agency's treatment works in a quantity that may cause acute worker health and safety problems; or

ix. Any trucked or hauled pollutant, except at discharge points designated by the local agency.

2. The State pretreatment standards for petroleum hydrocarbons pursuant to N.J.A.C. 7:14A-12; and

3. Local limits developed by the local agency pursuant to N.J.A.C. 7:14A-19.7.

(b) All indirect users shall notify the local agency immediately of all discharges that could cause problems to the local agency's treatment works, including any slug discharge loading.

(c) The penalties, including mandatory minimum penalties, and the settlement restrictions applicable to any civil administrative penalty assessment, as specified under N.J.A.C. 7:14-8, are fully applicable to violations by indirect users occurring on or after January 19, 1999.

Amended by R.1999 d.32, effective January 19, 1999.  
See: 30 N.J.R. 1356(a), 31 N.J.R. 157(a).

Added (c).

3. The motor control center shall be located outside the wet well and be protected by a conduit seal or other appropriate measures meeting the requirements of the National Electrical Code, to prevent the atmosphere of

the wet well from gaining access to the control center. The seal shall be so located that the motor may be removed and electrically disconnected without disturbing the seal; and



4. Winch and guide rails shall be provided to facilitate pump removal.

(b) An effective method to detect shaft seal failure or potential seal failure shall be provided, and the motor shall be of squirrel-cage type design without brushes or other arc-producing mechanisms.

**7:14A-23.12 Dry wells and wet wells**

(a) The construction of dry wells and wet wells for sewage pumping stations shall meet the following requirements:

1. Dry and wet wells shall be completely separated and have adequate ventilation and drainage;
2. Dry wells and wet wells shall have a means of entrance and exit, preferably by a stairway;
3. Dry wells shall have sufficient accessible space for the repair and removal of pumps;
4. The detention time of a wet well shall not exceed ten minutes when the flow is at the average dry weather rate. The detention time is calculated by dividing the volume of the wet well (volume between the pump on and the pump off switch levels) by the projected flow for the pumping station;

i. Wet well detention times greater than 10 minutes may be approved by the Department for small pump stations that cannot meet this requirement due to the minimum available size of the wet well and an estimated low volume daily wastewater flow. If longer detention times are proposed, additional measures necessary to prevent the development of septic conditions may be required;

ii. To minimize the development of septic conditions during the early phases of pump station operation, the Department may require special operational and/or maintenance procedures particularly when the initial contributory flows will be substantially below the approved design flow;

5. The base of pump station wet wells shall slope at least 45 degrees toward the pump suction to prevent solids accumulation; and

6. A sump pump or other effective method to drain accumulated water from the dry well to the wet well and to prevent sewage from entering the valve pit during surcharged wet weather conditions shall be provided.

**7:14A-23.13 Wastewater treatment plants**

(a) Adequate treatment shall be provided for all wastewater before discharge into the waters of the State.

1. The minimum level of sewage treatment shall be as specified by the Department in the applicable NJPDES permit.

2. The design of the proposed treatment system shall be adequate to meet all NPDES or NJPDES permit requirements, and shall take into consideration the topography of the plant site, receiving waters, operating costs and effects of any industrial waste component.

(b) Treatment plants shall be designed to produce an effluent which will consistently meet the limitations specified in the applicable NPDES or NJPDES permit and be conducive to the attainment and maintenance of such water quality criteria for the various classifications of surface and ground waters of the State.

(c) Siting requirements for wastewater treatment plants are as follows:

1. Treatment plants shall be located as far from existing or future residential structures as practical;
2. To the extent possible, the treatment plant units shall not be situated within 500 feet of the plant property lines. If this is not possible the Department may impose additional requirements concerning plant design, location, landscaping and operation;
3. Treatment plants shall be raised above the flood elevation level, or adequately flood proofed. For the purposes of this requirement, the flood elevation level is considered to be one foot above the 100 year flood elevation for non-delineated waterways and up to the Flood Hazard Design Flood Elevation for delineated waterways (see N.J.A.C. 7:13); and
4. The plant layout shall be designed for ease of operation, safety and accessibility.

(d) A suitable operating building shall be provided meeting the following requirements:

1. The building shall be heated, ventilated and lighted and contain an office, workshop, laboratory, storage space, drinking water, toilet, lavatory, and shower facilities;
2. An adequate supply of water under pressure shall be installed. Any domestic service connection shall be protected by an approved backflow prevention device acceptable to the Department; and
3. Taps supplying non-potable water shall be clearly labeled "Unfit for Drinking."

(e) Treatment plant sites shall be appropriately landscaped and graded.

(f) Drains shall be installed and soil stabilized to prevent washing into tanks, basins or filters and to prevent erosion.

(g) The following safety features shall be incorporated into the treatment plant design:

1. At a minimum, railings, guards, and handrails shall be provided;

2. Flame traps at all gas outlets, a blower and hose, and adequate ventilation of enclosures shall be provided;
3. Non-slip treads on stairs shall be provided;
4. Warning signs shall be posted in hazardous locations;
5. A readily accessible first aid kit shall be provided; and
6. The plant site shall be secure and enclosed by a fence with lockable gates.

(h) Treatment plants shall be provided with an adequate auxiliary source of power that is capable of maintaining the necessary plant functions to assure compliance with the facility's NJPDES permit.

1. When a plant is not staffed on a 24-hour basis, the auxiliary source of power shall have the ability to be automatically activated.

2. Emergency generators shall be tested regularly and maintained in proper working order at all times.

(i) An alarm system operating on an independent source of power shall be provided for all treatment plants when 24-hour supervision is not provided.

1. The alarm system shall extend to a police station or other location where competent 24-hour assistance can be obtained in an emergency.

(j) All electrical equipment work shall comply with the Fire Underwriters' regulations and with the National Electrical Code.

(k) Adequate means shall be provided for dewatering all treatment units for inspection and maintenance while still maintaining NJPDES permit compliance.

(l) Piping located under plant units shall be encased in concrete.

(m) Plant designs which propose the use of bypass lines that would circumvent treatment units and allow untreated or partially treated wastewater to be discharged will not be approved by the Department. The need for such bypassing is to be eliminated by providing adequate auxiliary treatment facilities.

(n) Treatment units should be designed for the population and wastewater flow that is anticipated 10 years or more after the completion of construction.

(o) Unless accurate data justifying a lesser design are submitted and approved by the Department, the hydraulic design of piping, channels, flumes and pumps shall be based on not less than 250 percent of projected flow, and treatment units shall be designed so as to provide adequate treatment to meet all NJPDES permit effluent conditions.

1. Where recirculation is employed, the resulting additional flow from this source shall be considered in the design.

2. Organic loading shall be based upon a minimum five-day B.O.D. content of 250 mg/l for domestic sewage, to which B.O.D. values for industrial wastes shall be added. For existing sewer systems, higher B.O.D. values may be used if an analyses based on composite samplings indicate a higher actual B.O.D.

3. For systems designed to treat wastewater from proposed or recently constructed buildings which have been equipped with water conservation devices or designed to be served by wastewater treatment and recycling systems, appropriate adjustments for higher B.O.D. values and reduced volume of wastewater should be considered in the treatment unit design.

(p) Flow equalization at the treatment facility is suggested in cases where the ratio of peak (maximum instantaneous) to average daily flow exceeds 2.5.

#### 7:14A-23.14 Measuring, recording, and sampling requirements at treatment plants

(a) At treatment plants, a means for continuous measuring, indicating and recording of the sewage flows shall be installed.

(b) Meters shall be installed in such a manner and location so as to provide a true indication of actual flow.

(c) All wastewater treatment plant designs shall include provisions in terms of number and location for sampling and monitoring as required by its NJPDES permits, Sludge Quality Assurance Reports, Bioassay, and Local Pretreatment Discharge Limits.

1. At a minimum, all wastewater treatment facilities shall be designed and constructed to provide for the collection of representative samples as follows:

- i. Influent quality before introduction of recycled waste which may be incorporated within the wastewater facility's processes (for example, wastewater quality prior to introduction of supernatant from sludge thickening or digestion and prior to the introduction of scrubber water from sludge incineration etc.);

- ii. Effluent quality after the last treatment plant unit at the point of discharge;

- iii. Sludge at a location meeting the requirements established under the Sludge Quality Assurance Regulations, N.J.A.C. 7:14-4. In addition, the provisions for sludge sampling shall meet the following minimum requirements:

(1) Sludge sampling points shall be established at a location which assures homogeneity and best represents the physical and chemical quality of all sludge which is removed from the treatment works for ultimate management;

(2) Sludge sampling points shall provide for sample collection at the frequency required under the Sludge Quality Assurance Regulations; and

(3) Sampling equipment shall be constructed of materials which will not contaminate or react with the sludge (for example, galvanized or zinc coated items may not be used); and

iv. Wastewater quality after every treatment unit.

2. In specific cases, the Department may require the installation of additional sampling points and equipment to assure adequate collection of technical data relevant to protection of the environment or public health.

(d) Monitoring chambers shall meet the following minimum requirements:

1. The monitoring chamber shall be constructed of a permanent and durable material with an opening large enough for access by both sampling personnel and equipment.

i. The sampling chamber shall have a minimum seven foot ceiling clearance;

ii. Electrical outlets shall be provided so that 24 hour sampling equipment can be accommodated; and

iii. The access door or manhole shall have a minimum opening of 24 inches and shall be lockable;

2. An accurate flow measuring device with a totalizer and recording equipment with a documented regular calibration program shall be provided;

3. High water alarms shall be included in all sumps;

4. Pickup probes for all monitoring and sample collection devices shall be provided;

5. All influent streams into the public sewer which are required to be monitored by the applicable permit shall be free of external sources of water (for example, supernatant return, stormwater runoff, unless such runoff is being monitored, tidal water, etc.);

6. A back flow prevention device shall be installed if pumping or flowing to a force main;

7. If the sampling chamber is not in a secured area, it shall be surrounded by a chain link fence;

8. The sampling chamber shall be accessible by motor vehicle; and

9. Adequate lighting and ventilation shall be provided and the area shall be free of any safety hazard.

**7:14A-23.15 Screening and comminution**

(a) All sewage treatment plants shall be provided with a means for screening or comminuting coarse material in the sewage. Except in small plants with a design capacity of less than 150,000 gallons per day, screening equipment shall be of the mechanical type.

(b) Operation of mechanically cleaned devices shall be continuous or automatically controlled.

(c) Bar screens shall conform to the following:

1. Bars of nonmechanical screens preceding treatment plants shall be spaced so that the maximum clearance between bars is not greater than 1½ inches and not less than one inch;

2. Clear openings for mechanically cleaned screens shall not be less than ⅝ inch;

3. Bar clearance for coarse racks or screens preceding mechanically cleaned screens or comminutors shall not exceed 1¾ inches;

4. At sewage pumping stations, openings in bar screens shall be at least one inch smaller than the solid size which can be handled by the pump;

5. Motors shall be of the type suitable for operation in a damp atmosphere if placed below ground;

6. The screen chamber shall be designed to provide a velocity through the screen of not less than one foot per second at average flow and not more than three feet per second, based on the screen openings projected vertically between the invert and the crown;

7. Hand-cleaned screens shall be inclined from 30 degrees to 45 degrees from horizontal; and

8. Where only one mechanical screen is provided, auxiliary hand-cleaned screens shall be provided for use in case of failure of the mechanically cleaned screens.

(d) Disposal of screenings shall be in conformance with the following:

1. Adequate facilities shall be provided for prompt removal, handling and sanitary disposal of screenings;

i. A platform shall be provided at the top of hand-raked screens; and

ii. Appropriate containers shall be provided for removal of screenings;

2. An appropriate method shall be provided for drainage of screenings, both on the platform and in containers, such that water content is not a limitation to ultimate disposal. The disposal and treatment method for the drainage from the screenings shall be indicated;

3. Where screen chambers are located substantially below grade, a suitable hoist shall be provided. Such

chambers shall have a stairway and adequate lighting; and

4. Screen chambers shall be adequately ventilated. Where required, forced draft fans with explosion-proof motors shall be installed.

(e) Comminutors shall be in conformance with the following:

1. Comminuting devices shall have slots not less than  $\frac{1}{4}$  inch wide and be designed to cut or shred material below the surface of the sewage. Comminuting capacity shall be adequate to handle peak flows when the largest unit is out of operation;

2. A bypass screen shall be provided except where there are multiple units; and

3. Gates shall be provided to isolate each channel, and provisions shall be made for the removal of mechanisms for repair and maintenance.

#### 7:14A-23.16 Grit removal equipment

(a) Except in small sewage treatment plants with a design flow of less than 150,000 gallons per day, mechanical grit removal devices shall be provided.

(b) Grit chamber channels and flumes shall be designed to produce velocities of not less than 0.5 foot per second and not greater than one foot per second. Detention shall be adequate to deposit grit coarser than 0.20 millimeters.

(c) All grit chambers shall be provided with a means for washing the grit and return of washwater to wastewater flow.

(d) Grit removal facilities shall include adequate means for the collection and temporary storage of grit material prior to sanitary disposal.

1. A stairway or ladder shall be provided for entrance if the unit is four feet or more below ground level.

2. Adequate lighting and ventilation shall be provided.

3. Provisions for dewatering shall be made such that water content is not a limitation to ultimate disposal.

4. Provisions for the treatment and disposal method for drainage of the grit shall be provided.

#### 7:14A-23.17 Settling tanks

(a) Multiple units or independent compartments shall be provided except in small installations of less than 150,000 gpd design flows.

(b) Channels shall be designed to maintain a velocity of one foot per second at 50 percent of design flow.

(c) Baffling shall be provided to dissipate inlet velocity and diffuse flow equally across the cross section of the tank. Baffles shall also be provided to retain scum in primary tanks. Scum collectors shall be provided.

(d) Weirs shall be adjustable.

(e) The minimum slope of the side walls of sludge hoppers shall be 1.7 vertical to 1.0 horizontal.

(f) The use of upward flow settling tanks may be considered when accompanied by supporting data on their hydraulic characteristics and results of operation in actual plants.

(g) Walls of settling tanks shall extend at least 18 inches above the surrounding ground surface.

(h) Mechanical means shall be provided for the collection and removal of sludge from settling tanks, and shall meet the following design requirements:

1. Primary tanks, except those preceding the activated sludge process, shall have a surface settling rate that does not exceed 600 gallons per square foot per day of design flow, and a minimum water depth of six feet;

2. Inlets shall be designed to dissipate inlet velocity promptly so as to diffuse the flow and to prevent short-circuiting; and

3. Adjustable outlet weirs shall be provided.

(i) Final settling tanks shall be designed according to the following:

Type of Treatment	Side Water Depth	Maximum Surface Settling Rate gals./sq. ft./day (At Design Flow)
Standard Rate Trickling Filter	6 feet minimum	1,000
High Rate Trickling Filter	8 feet minimum	800
Activated Sludge (2.0 m.g.d. and less design flow)	8 feet minimum	800
Activated Sludge (Over 2.0 m.g.d. design flow)	10 feet minimum	1,000

#### 7:14A-23.18 Chemical coagulation

(a) This method of sewage treatment is considered to be a degree of treatment intermediate between sedimentation, and sedimentation plus oxidation. Chemical coagulation will not be considered as a substitute for oxidation.

(b) Coagulants shall be applied to the sewage in a suitable and approved form proportional to the sewage flow.

(c) A chamber or tank for the rapid and thorough mixing of the sewage and coagulants shall be provided with a detention period of not less than one minute based on design flow.

3. Storage surfaces shall be constructed of reinforced concrete, asphalt, or other suitable material capable of preventing discharges to groundwater.

(f) Septage handling/receiving facilities shall be designed to provide the following:

1. An unloading ramp for the haul trucks with a hard surface sloped to a drain to facilitate the cleaning of any spillage and washing the haul truck, connector hoses, and fittings. The ramp drainage shall be a tributary to treatment facilities and shall exclude excessive stormwater;

2. A flexible hose fitted with an easy connect coupling to provide a direct connection from the haul truck to the receiving facility;

3. Washdown water with adequate pressure, a hose, and a spray nozzle for cleaning the receiving station and the haul trucks. If a potable water source is utilized, it shall be protected with a suitable backflow prevention device;

4. An adequate off-line septage receiving tank which allows for the collection of representative samples from any truckload of waste accepted for discharge at the wastewater treatment plant. The receiving tank shall be designed to provide complete draining and cleaning by means of a sloped bottom equipped with a drain sump. The design shall also provide for adequate mixing, testing, uniform septage strength, and chemical addition for treatment or odor control purposes;

5. Screening, grit, and grease removal as appropriate to protect downstream treatment units;

6. Valving and piping designed with sufficient operational flexibility so as to control the flow rate and point of discharge of septage to the wastewater treatment plant;

7. Laboratory facilities for determining septage strength and/or toxicity to the wastewater treatment processes; and

8. Any pumps provided for the handling of septage shall be of the non-clogging design and shall be capable of passing three inch diameter solids.

Amended by R.1997 d.107, effective May 5, 1997.

See: 28 N.J.R. 380(a), 28 N.J.R. 2779(a), 28 N.J.R. 3494(a), 28 N.J.R. 3858(a), 28 N.J.R. 4697(a), 28 N.J.R. 5028(a), 29 N.J.R. 1704(a).

In (d)7, inserted "reduction" following "vector attraction" and substituted N.J.A.C. reference for CFR, Statewide Sludge Management Plan, and U.S.C.A. references.

#### 7:14A-23.33 New treatment methods and technologies

(a) Designs for new treatment methods or for methods not included in these rules shall be accompanied by detailed supporting data from full scale tests performed under competent supervision. In evaluating the acceptability of applications for new treatment methods, or for technologies not included in these rules, the Department shall utilize the best available information including, but not limited to, texts,

reports and U.S. Environmental Protection Agency publications that contain research, test, and design information relevant to the applicant's proposal.

(b) The Department may disapprove new treatment methods if in its opinion such disapproval is in the interest of environmental protection.

#### 7:14A-23.34 Closure requirements for wastewater treatment units

(a) This section applies to any and all wastewater and sludge facilities and equipment permanently removed from use or operation at NJPDES permitted facilities or at facilities for which a NJPDES permit has been revoked or an application for renewal denied, unless a judicial or administrative stay is in effect. The intent of this section is to protect public safety and health and to assure that no contamination of ground or surface water will occur as a result of removing such facilities and equipment from service either through the act of closure or through continuing the discharge of pollutants into or through equipment; or through leaking, leaching, or discharge of pollutants from wastewater or residuals remaining in facilities or equipment which has been removed from use but remains on site.

(b) The closure of a wastewater treatment facility or equipment means either the termination of the source of wastewater or sludge, or the permitted conveyance of wastewater or sludge to an alternate location (such as a regional facility) in such a manner that no further treatment storage or conveyance of wastewater or sludge is performed by the facility.

(c) Wastewater treatment works closures shall conform with the following procedures:

1. On or before 60 calendar days prior to taking the facility or certain operating equipment out of service a permittee shall:

i. Submit to the Wastewater Facilities Regulation Program the following information concerning closure activities:

(1) The date the facility will cease operation or the date that discharge to specific operating equipment will cease;

(2) The date the influent and effluent pipes will be sealed;

(3) Plans (signed and sealed by a New Jersey licensed professional engineer) for final disposition of the physical facilities, including all treatment units, outfall line, and all mechanical and electrical equipment and piping;

(4) Plans (signed and sealed by a New Jersey licensed professional engineer) for elimination of all equipment and/or conditions that could possibly pose

a safety hazard, either during or after shut-down of operations;

(5) Verification that there are no lines in the collection system which are cross connected (receiving both sanitary and storm water) or which do not contain adequate conveyance capacity as defined in N.J.A.C. 7:14A-1.9;

(6) The name of the licensed individual responsible for the maintenance and operation of the wastewater pumping station and/or wastewater collection or treatment systems that are still to be maintained; and

(7) Proof of a request to the Division of Enforcement Field Operations for a site inspection to verify cessation of the discharge. The Division of Enforcement Field Operations may be contacted by writing to:

Director  
 Division of Enforcement Field Operations  
 CN 029  
 Trenton, New Jersey 08625-0029  
 Attn: Water & Hazardous Waste Enforcement;  
 and

ii. Notify the Wastewater Facilities Regulation Program, in writing, concerning any deactivated lagoons or other actual or potential discharges to ground water which may exist at the site. The Wastewater Facilities Regulation Program may be contacted by writing to:

Assistant Director  
 Wastewater Facilities Regulation Program  
 CN 029  
 Trenton, New Jersey 08625-0029

2. Proper management and/or removal of all residual materials (collected grit and screenings, scums, sand bed material, and dried or liquid sludges), as well as filter media, and all other solids from the treatment process that may remain in the abandoned treatment works is required.

i. The permittee shall submit to the Wastewater Facilities Regulation Program proof of ownership of or contractual arrangement with an operation or operations permitted to manage all such waste materials. A contract with a hauler will only be accepted as proof of proper waste management if documentation of management at an approved site or sites is included. In addition, all necessary State or Federal permits/approvals must accompany the submission.

ii. Sludge quality assurance reports which are representative of the sludge removed following closure shall be submitted. Where quality information is not available, new samples shall be obtained and analyzed upon closure. All sludge samples and analyses shall be prepared in accordance with the Sludge Quality Assurance Regulations, N.J.A.C. 7:14-4.

iii. All residual material shall be removed within 180 calendar days after the facility is taken out of service. Proof of proper residuals management shall be submitted to the Wastewater Facilities Regulation Program within 30 calendar days after their removal. The dates of removal and quantities removed shall be specified.

3. Upon completion of closure activities, a permittee must complete a "Certification of Closure" form (form can be obtained by contacting the Division of Enforcement Field Operations) which will provide certification that all waste materials have been properly managed, and that the remaining components of the facility have been properly secured regarding public health and safety. This form shall be completed after closure activities cease, signed in the presence of a Notary Public, and submitted to the Wastewater Facilities Regulation Program. Incomplete Certifications of Closure are unacceptable and will be returned to the permittee.

(d) Upon satisfaction of closure requirements specified in (c) above, the Division of Enforcement Field Operations shall be contacted, in writing, to schedule a final site inspection of any treatment works which had a NJPDES discharge permit to verify that influent and effluent pipes have been sealed and that all solid and residual materials related to the treatment process have been removed.

(e) Upon satisfactory completion of the items specified in (c) and (d) above, an "Application for Termination" (application may be obtained from the Division of Water Quality or the Division of Enforcement Field Operations) from the New Jersey Pollutant Discharge Elimination System shall be completed and submitted to the Wastewater Facilities Regulation Program, Bureau of Permit Management with a copy to the appropriate permitting bureau. The application form includes information concerning the facility, its NJPDES permit number, the nature of the discharge, and a certification to the effect that the closure has been performed in accordance with all submissions made to the Department. Applications received before completion of items (c)1 through 3 above, shall not be processed and shall be returned for resubmission upon satisfactory completion of all closure requirements by the permittee.

Amended by R.1997 d.107, effective May 5, 1997.  
 See: 28 N.J.R. 380(a), 28 N.J.R. 2779(a), 28 N.J.R. 3494(a), 28 N.J.R. 3858(a), 28 N.J.R. 4697(a), 28 N.J.R. 5028(a), 29 N.J.R. 1704(a).  
 In (a), inserted "or at facilities . . . stay is in effect".